

FEDERAL REGISTER

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6256]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GADGET-OF-THE-MONTH CLUB, INC., ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Comparative; Savings and Discounts Subsidized; § 13.200 *Sample, offer or order conformance*: § 13.275 *Undertakings, in general*. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal*: § 13.2060 *Sample, offer or order conformance*; § 13.2070 *Special or trial offers, savings, and discounts*; § 13.2090 *Undertakings, in general*. In connection with the offering for sale, sale, and distribution in commerce, of miscellaneous articles of merchandise: (1) Representing, directly or by implication, that subscribers to the Gadget-of-the-Month Club, or other purchasers of respondents' merchandise, will receive any specified number of articles of merchandise within any stated period of time, unless the number of articles specified are actually delivered within the stated period of time; and (2) representing that the total retail price of the articles of merchandise delivered to subscribers is greater than the subscription price or misrepresenting in any manner the retail price of respondents' merchandise; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gadget-of-the-Month Club, Inc., et al., Los Angeles, Calif., Docket 6256, September 8, 1955]

In the Matter of Gadget-of-the-Month Club, Inc., a Corporation, and Don L. Davis, and Mary Lou Moffitt Davis, Individually and as Officers of Said Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with unfair and deceptive acts and practices in connection with the retail sale of miscellaneous articles of merchandise referred to as "gadgets" in violation of the Federal Trade Commission Act, and upon an Agreement for Consent Order which dis-

posed of all the issues involved in the proceeding and which was submitted to the hearing examiner pursuant to agreement entered into by respondents with counsel supporting the complaint, subsequent to the filing with the Commission of their answer thereto.

By the terms of said agreement, respondents admitted all the jurisdictional allegations set forth in the complaint, and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith, and all parties agreed that the answer theretofore filed by respondents be withdrawn; expressly waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents agreed that the order contained in the agreement should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and it was also agreed that said Agreement for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and that the complaint in the matter might be used in construing the terms of the aforesaid order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and it was further provided that the signing of the Agreement for Consent Order was for settlement purposes only, and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and that for all legal purposes respondents' answer would be regarded as withdrawn; set forth his conclusion, in view of the facts

(Continued on next page)

CONTENTS

Agricultural Marketing Service	Page
Proposed rule making:	
Oranges, grapefruit and tangerines grown in Florida; handling of.....	7393
Rules and regulations:	
Oranges, Valencia, grown in Arizona and designated part of California; correction.....	7393
Agriculture Department	
See Agricultural Marketing Service; Commodity Credit Corporation.	
Army Department	
Rules and regulations:	
Medical and dental attendance; miscellaneous amendments.....	7394
Atomic Energy Commission	
Notices:	
Authorization of certain activities under Atomic Energy Act.....	7393
Civil Aeronautics Board	
Notices:	
Lake Central permanent certification case; hearing.....	7400
Commodity Credit Corporation	
Rules and regulations:	
Bean, New York, dry, edible; 1955 purchase agreement program; correction.....	7393
Defense Department	
See Army Department.	
Federal Communications Commission	
Notices:	
Hearings, etc..	
American Southern Broadcasters (WPWR).....	7400
Booth Radio and Television Stations, Inc., and Eaton County Broadcasting Co.....	7402
Midwestern Broadcasting Co., and Straits Broadcasting Co.....	7401
Rollins Broadcasting, Inc., et al.....	7401
WGNS, Inc.....	7400
Proposed rule making:	
Stations on shipboard in the maritime services; limitation of certain frequencies to communication pertaining to safety, operational or business purposes.....	7393

7391



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Reprint Notice

A reprint of the *Federal Register* dated April 8, 1955, is now available.

This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Rules and regulations:	
Commercial radio operators; posting requirements for operator	7395
Radio broadcast stations, power and antenna height requirements; extension of effective date	7395
Federal Trade Commission	
Rules and regulations:	
Gadget-of-the-Month Club, Inc., et al., cease and desist order	7391
Food and Drug Administration	
Rules and regulations:	
Antibiotic and antibiotic-containing drugs; certification of; miscellaneous amendments	7393

CONTENTS—Continued

Food and Drug Administration—Continued	Page
Rules and regulations—Con.	
Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; tolerances for residues of chlorobenzilate	7393
Health, Education, and Welfare Department	
See Food and Drug Administration; Social Security Administration.	
Interdepartmental Committee on Trade Agreements	
Notices:	
Trade-agreement negotiations with governments which are contracting parties to General Agreement on Tariffs and Trades; possible adjustment in preferential rates on Cuban products; correction	7402
Interior Department	
See Land Management Bureau.	
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief	7402
Motor carrier applications	7403
Rules and regulations:	
General rules of practice; miscellaneous amendments	7396
Land Management Bureau	
Notices:	
Washington; proposed withdrawal and reservation of lands	7400
Rules and regulations:	
Alaska; public land order	7394
Post Office Department	
Notices:	
Assistant Postmaster General, Bureau of Facilities; redelegation of authority with respect to leases and acceptance and assignment of options to procure property	7399
Securities and Exchange Commission	
Notices:	
Hearings, etc.	
Central Public Utility Corp., and Islands Gas and Electric Co.	7412
Islands Gas and Electric Co.	7410
Southern Co., et al.	7411
Social Security Administration	
Proposed rule making:	
Disclosure of information in connection with enforcement of Immigration and Nationality Act	7398
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 6	Page
Chapter IV	
Part 421	7393

CODIFICATION GUIDE—Con.

Title 7	Page
Chapter IX.	
Part 922	7393
Part 933 (proposed)	7399
Title 16	
Chapter I.	
Part 13	7391
Title 20	
Chapter III.	
Part 401 (proposed)	7398
Title 21	
Chapter I.	
Part 120	7393
Part 146	7393
Part 146b	7393
Part 146c	7393
Part 146e	7393
Title 32	
Chapter V.	
Part 577	7394
Title 43	
Chapter I.	
Appendix (Public land orders)	
589 (revoked in part by PLO 1231)	7394
1231	7394
Title 47	
Chapter I:	
Part 3	7395
Part 8 (proposed)	7398
Part 13	7395
Title 49	
Chapter I.	
Part 1	7396

indicated and the further fact that the order embodied in the aforesaid agreement was identical with that which accompanied the complaint, except for clarification of Paragraph "2" thereof by substitution of the word "price" for the word "value" since respondents' representations therein referred to were with respect to price rather than value, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said agreement; and, accordingly, in consonance with said agreement, accepted the Agreement for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That Respondents, Gadget-of-the-Month Club, Inc., a corporation, and its officers, Don L. Davis and Mary Lou Moffitt Davis, individually and as officers of said corporation, and said Respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal

Trade Commission Act, of miscellaneous articles of merchandise, do forthwith cease and desist from:

1. Representing, directly or by implication, that subscribers to the Gadget-of-the-Month Club, or other purchasers of Respondents' merchandise, will receive any specified number of articles of merchandise within any stated period of time, unless the number of articles specified are actually delivered within the stated period of time;

2. Representing that the total retail price of the articles of merchandise delivered to subscribers is greater than the subscription price or misrepresenting in any manner the retail price of Respondents' merchandise.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That respondents Gadget-of-the-Month Club, Inc., a corporation, and Don L. Davis, and Mary Lou Moffitt Davis, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-8029; Filed, Oct. 4, 1955;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 56]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING Correction

In Federal Register Document 55-8023, published on page 7324 of the issue for Saturday, October 1, 1955, the signature at the end should read "G. R. Grange, Acting Director"

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1955 C. C. C. Dry Edible Bean Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 NEW YORK DRY EDIBLE BEAN PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 55-7707, appearing at page 7123, issue of Friday,

September 23, 1955, the following changes should be made:

1. In the next to last sentence of § 421.1204 (c) the word "More" should read "Mere"

2. In § 421.1207 (e) the reference should read "§ 421.1210 (e)"

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF CHLOROBENZILATE (ETHYL 4,4'-DICHLOROBENZILATE)

On April 18, 1955, a petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on certain raw agricultural commodities. Subsequently, the petitioner submitted supplementary pharmacological data which resulted in changing the filing date to July 7, 1955.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 403 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g) 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as follows:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, paragraph (c) (5) (i) is amended by inserting in the list of chlorinated hydrocarbons, immediately following the name "Chlorinated camphene (toxaphene)", the name "Chlorobenzilate (ethyl 4,4'-dichlorobenzilate)"

2. Part 120 is amended by adding the following new section:

§ 120.109 *Tolerances for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate)* A tolerance of 5 parts per million is established for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, lemons, oranges, and pears.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this

order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and may request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 403, 63 Stat. 511; 21 U. S. C. Sup. 346a)

Dated: September 29, 1955.

[SEAL] GEO. P. LARRICE,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8040; Filed, Oct. 4, 1955;
8:01 a. m.]

PART 140—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIHISTAMIC AND ANTIHISTAMIC-CONTAINING DRUGS

PART 140b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 140c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 140e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 403, 61 Stat. 11, 63 Stat. 403, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1936) the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1934 Supp., Parts 140, 140b, 140c, 140e; 20 F. R. 2431) are amended as indicated below:

1. In § 140.20 *Animal feeds containing penicillin* * * *, paragraph (b) (21) is amended by changing the numbers "103" and "200" to read "50" and "103", respectively.

2. In § 140b.116 *Streptomycylidene isonicotinyl hydrazine sulfate*, paragraph (c) *Labeling* is amended by changing the number "18" to read "36"

3. In § 140c.204 *Chlortetracycline capsules* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the number "43" to "60"

4. Section 140c.207 *Chlortetracycline tablets* * * * is amended by deleting the period at the end thereof and adding the following clause: "and its expiration date is not more than 48 months."

5. In § 140e.411 *Bacitracin-neomycin ointment* * * * paragraph (a) is amended by deleting subparagraph (2) and renumbering subparagraphs (3) and (4) as (2) and (3) respectively.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with inter-

ested members of the affected industry, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs specified in amendment 1 above need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the conditions specified.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 29, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8045; Filed, Oct. 4, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

Section 577.3 is revised and §§ 577.21 and 577.24 are revoked, as follows:

§ 577.3 *Civilian medical care furnished personnel outside Army medical treatment facilities*—(a) *For whom authorized.* (1) Civilian medical care furnished outside Army medical treatment facilities at the expense of Army Medical Service funds is authorized for the following personnel, when the required care cannot be provided by available medical treatment facilities of the Department of Defense or other Federal agencies outside Department of Defense. Determination of availability of military or other Federal facilities will be made, except in emergencies, by the immediate commanding officer of the individual receiving such care.

(i) Officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy when on a duty status or when absent with authority on leave or pass. Such attendance will not be authorized when absent without authority. Charges incurred for civilian medical care when absent without authority are the sole responsibility of the individual concerned.

(ii) Officers, warrant officers, and enlisted personnel of the Army Reserve; the Federally recognized National Guard of the several States; Territories, and the District of Columbia; the National Guard of the United States; and the Army without specification as to component when ordered or called into ac-

tive Federal service or when ordered to active or inactive duty training (see sec. 5, act April 3, 1939, 53 Stat. 557; 10 U. S. C. 456, as amended, and sec. 3, act June 20, 1949, 63 Stat. 202; 32 U. S. C. 160a)

(iii) Members of the Army Reserve and the National Guard of the United States not on active duty (limited to physical examination as deemed necessary for the Secretary of the Army) (See section 225, Armed Forces Reserve Act of 1952 (66 Stat. 488).)

(iv) Members of the Reserve Officers' Training Corps of the Army en route to, or from, or during their attendance at camps of instruction under section 47a, National Defense Act, as amended (41 Stat. 778; 10 U. S. C. 441)

(v) Applicants for enlistment or re-enlistment and inductees under the Universal Military Training and Service Act (65 Stat. 75) as amended (limited to necessary physical and mental examination except as provided in subdivision (vi) of this subparagraph.

(vi) Applicants for entry into the Army or inductees whose physical fitness for military service cannot be determined without hospital duty.

(vii) Prisoners.

(viii) Prisoners of war, persons interned by the Army and other persons in military custody or confinement.

(ix) Civilian seamen in the service of vessels operated by the Department of the Army.

(x) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Army Federal Civilian Employees' Health Service Program.

(2) In the event a member of the Army Reserve, the Federally recognized National Guard of the several States, Territories, and the District of Columbia, the National Guard of the United States or the Army Reserve Officers' Training Corps is furnished medical care by civilian physicians or civilian medical treatment facilities after termination of camp or the prescribed tour of training duty for personal injury suffered or disease contracted not in line of duty, the member concerned is personally responsible for payment of charges for inpatient or outpatient care furnished by civilian physicians or civilian medical treatment facilities.

(b) *Elective treatment.* Elective medical treatment in civilian medical treatment facilities or by civilian physicians will not be authorized or paid for from Army Medical Service funds. The term "elective treatment" will be interpreted to mean such treatment which, in the opinion of competent medical authority, is not necessary to save life or preserve health, but is only advantageous to the patient.

§ 577.21 *Admission and treatment of American seamen in medical treatment facilities of the Department of the Army outside continental United States, its territories, and its possession.* [Revoked.]

§ 577.24 *Army and Navy Hospital, Hot Springs, Arkansas; regulations applicable.* [Revoked.]

[SR 40-505-11, June 10, 1954; DA Cir. 310-24, August 1, 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8025; Filed, Oct. 4, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1231]

[Anchorage 025744]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH EKLUTNA PROJECT; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 589 OF JUNE 9, 1949 AND THE DEPARTMENTAL ORDER OF SEPTEMBER 5, 1951

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and section 3 of the act of July 31, 1950 (64 Stat. 382; 48 U. S. C. 312) it is ordered as follows:

1. Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Interior in connection with construction, operation and maintenance of the Eklutna Project:

SEWARD MERIDIAN

T. 15 N., R. 2 E (unsurveyed),
Sec. 9, W½.

T. 16 N., R. 2 E.,
Secs. 29 and 32.

The tracts described contain approximately 1,600 acres.

2. The Departmental order of September 5, 1951, reserving public lands for the Eklutna Project is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 16 N., R. 2 E. (unsurveyed),
Sec. 17, E½,
Sec. 20, NE¼.

The tracts described aggregate approximately 480 acres.

3. Public Land Order No. 589 of June 9, 1949, withdrawing public lands for use of the Department of the Interior for such projects as might be authorized by Congress is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 15 N., R. 1 E. (unsurveyed),
Secs. 1 and 12.

T. 16 N., R. 1 E. (unsurveyed),
Sec. 13, N½SW¼,
Secs. 14, 23, 24, 25, and 36.

T. 15 N., R. 2 E. (unsurveyed),
Secs. 6 and 7.

T. 16 N., R. 2 E. (unsurveyed),
Sec. 19, S½,
Secs. 30 and 31.

The tracts described contain approximately 7,440 acres.

4. Part or all of the lands in secs. 1 and 12, T. 15 N., R. 1 E., and in secs. 6 and 7, T. 15 N., R. 2 E., released by paragraph 3 of this order are withdrawn for Power Project No. 350 or Power Site Classification No. 107.

5. Subject to any existing valid rights and the requirements of applicable laws, the lands described are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning 10:00 a. m. on November 3, 1955, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended. Beginning 10:00 a. m. on February 2, 1956, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended) presented prior to 10:00 a. m. on November 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on February 2, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on February 2, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on February 2, 1956.

Persons claiming veterans preference rights under paragraph b (2) above must enclose with their applications proper

evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

FRED G. AANDahl,
Assistant Secretary of the Interior.

SEPTEMBER 28, 1955.

[F. R. Doc. 55-8027; Filed, Oct. 4, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11181; FCC 55-953]

[Rules Amdt. 3-57]

PART 3—RADIO BROADCAST SERVICES

ORDER EXTENDING EFFECTIVE DATE

In the matter of amendment of § 3.614 (b) of the rules governing television broadcast stations, Docket No. 11181.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 23th day of September 1955;

The Commission has before it for consideration its Report and Order (FCC 55-802) issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antenna height and power requirements for VHF television stations in Zone I.

The amendment was originally scheduled to become effective on August 31, 1955. However, on September 1, 1955, the Commission issued an Order Extending the Effective Date to October 1, 1955, pointing out that several petitions had been filed with the Commission for reconsideration of its action in this proceeding and requesting that the effectiveness of the amendment be stayed pending such reconsideration. It was noted, also, that several requests had been submitted seeking postponement of the effective date of the amendment until the present studies of the Air Coordinating Committee on the subject of tall towers are completed. Oppositions to the various petitions for reconsideration and requests for stay have also been filed.

Additional time will be necessary for the Commission to consider the above requests. Accordingly, the Commission believes that the public interest would be served by further staying the effectiveness of the amendment.

In view of the foregoing: *It is ordered*, That the effective date of the amendment of the Commission's rules and regulations adopted by its Report and Or-

der issued July 22, 1955 in this proceeding, is extended to November 1, 1955.

(Sec. 4, 43 Stat. 1033, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 43 Stat. 1032, as amended; 47 U. S. C. 303)

Released: September 29, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8023; Filed, Oct. 4, 1955; 8:47 a. m.]

[Rules Amdt. 12-2; FCC 55-577]

PART 13—COMMERCIAL RADIO OPERATORS

POSTING REQUIREMENTS FOR OPERATOR

In the matter of amendment of § 13.74 of the Commission's rules to provide for issuance of verified statement (Form 759) to holders of the Restricted Radiotelephone Operator Permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of September 1955;

The Commission having under consideration amendment of § 13.74 of its Commercial Radio Operator Rules to provide for issuance of verified statements (Form 759) to holders of the Restricted Radiotelephone Operator Permit which is of the card form; and

It appearing that at certain classes of radio stations where holders of Restricted Radiotelephone Operator Permits are employed they are required to post their operator permits and that when such operators also wish to operate other stations where posting also is required or to operate mobile stations such as aircraft stations, the operator permits are not readily available either for posting at another station or to carry with them as required; and

It further appearing that § 13.74 should be amended to provide for issuance of verified statements to holders of Restricted Radiotelephone Operator Permits in order that they may be posted in lieu of such permits where needed; and

It further appearing that authority for the amendment herein ordered is contained in sections 4 (i) and 303 (i) and (r) of the Communications Act of 1934, as amended; and

It further appearing that Notice of proposed Rule-Making in this matter is unnecessary because the action herein relates to agency practice only, and, therefore, compliance with the public notice and rule making procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, That, effective November 1, 1955, § 13.74 of the Commission's rules is amended as set forth below.

(Sec. 4, 43 Stat. 1033, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 43 Stat. 1032, as amended; 47 U. S. C. 303)

Released: September 29, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 13.74 is amended by adding new paragraph (c) thereto, as follows:

(c) One or more verified statements (Form 759) as necessary, will be issued to the holder of a restricted radiotelephone operator permit (card form license) who because of an operator license posting requirement at one station would not otherwise be able to comply with a license posting requirement or to carry his permit on his person when so required at another station or stations.

[F R. Doc. 55-8034; Filed, Oct. 4, 1955; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of September A. D., 1955.

It appearing that by notice entered on August 8, 1952, in the above-entitled proceeding, the Commission invited suggested amendments to its general rules of practice, adopted July 31, 1942, as amended (49 CFR Part 1, §§ 1.1 to 1.102),

Upon consideration of suggested amendments received, and good cause appearing therefor:

It is ordered, That the general rules of practice be, and the same are hereby, amended by deleting therefrom Rules 4 (a), 5 (g) and (h) 15, 19, 21 (b) 22 (a) 23 (a), 25 (d) 35 (a) 37, 42 (a) and (b) 55 (a) 76, 77, 84 (d) 87, 89, 90 (b), 96 (b) and Form No. 3 (49 CFR 1.4 (a), 1.5 (g) and (h) 1.15, 1.19, 1.21 (b), 1.22 (a) 1.23 (a) 1.25 (d) 1.35 (a) 1.37, 1.42 (a) and (b) 1.55 (a) 1.76, 1.77, 1.84 (d) 1.87, 1.89, 1.90 (b) 1.96 (b) and Form No. 3) and, in each instance, substituting in lieu of the deleted rule, or part thereof, or form, the correspondingly numbered rule, or part thereof, or form, set forth below, which is hereby incorporated into and made a part of this order.

It is further ordered, That Rule 71 of the general rules of practice (49 CFR 1.71) be amended by changing the designation of paragraph (b) thereof to "Appearances" by deleting the entire first sentence of that paragraph (b), by inserting a new paragraph (c) to read as follows:

(c) *Standards of conduct.* Contemptuous conduct by any person appearing at a hearing shall be ground for his exclusion by the presiding officer from the hearing.

and by renumbering current paragraph (c) therein as (d)

It is further ordered, That the effective date of this order shall be November 1, 1955;

It is further ordered, That this proceeding be, and it is hereby continued until the further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

§ 1.4 *Communications and pleadings generally*—(a) *How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed. All communications should clearly designate the docket number, if any, and short title. The person communicating shall state his address, the party he represents, and how response should be sent to him if not by first class mail.

§ 1.5 *Definitions.* * * *

(g) The term "proposed report" means an officer's written statement of the issues, the facts, and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order. Such term also means, and shall include, a "recommended decision" and a "tentative decision" as these last two terms are used in the Administrative Procedure Act.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order. Such term also means, and shall include, an "initial decision" as the latter term is used in the Administrative Procedure Act.

§ 1.15 *Typographical specifications generally.* Except as otherwise provided respecting applications (§ 1.30 (a)) exhibits (§ 1.84 (a)), and informal complaints (§ 1.24 (a)) all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by off-set press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading in excess of 50 pages (except

one made under modified or shortened procedure) including cover pages, indexes, and appendixes, must be printed. Printing by off-set press will be accepted.

§ 1.19 *Pleadings part of record.* Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material.

§ 1.21 *Time.* * * *

(b) *Modification.* Except as to the maximum time periods provided by law or specified in this part respecting informal complaints seeking damages (§ 1.25), any time period prescribed or permitted in this part may, upon request and for good and sufficient cause be modified by the Commission in its discretion. Requests for extension or modifications of time must be served upon all parties of record at the same time and by the same method of communication as service is made on the Commission. A request for postponement of date for filing briefs or other documents must be filed not less than 10 days before the date in question, except in extraordinary circumstances, and where such requests are filed less than 10 days before the due date the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days. The original only of the request and certificate of service need be filed with the Commission.

§ 1.22 *Service; pleadings and papers to show*—(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38 (b)), formal complaints (§ 1.34), informal complaints (§ 1.24 (b)), and petitions in intervention (§ 1.72 (d)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly addressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission: *Provided, however*, That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

§ 1.23 *Replies*—(a) *Time for filing*. Except that a reply to a reply is not permitted, and except as otherwise provided respecting answers (§ 1.35 (c)) modified and shortened procedure (§§ 1.44 (c) and 1.51) and briefs (§§ 1.92 and 1.93) an adverse party may file and serve a reply to any pleading permitted under the rules in this part within 20 days after filing at the Commission.

§ 1.25 *Informal complaints seeking damages*. * * *

(d) *Copies*. The original of an informal complaint seeking damages must be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

§ 1.35 *Answers and cross complaints to formal complaints*—(a) *Generally*. An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It should be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4 (1) of the act is involved, the number of the particular application or order, if any, which protects such departure; and should admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detail statement of any counter-proposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which event the answer must show clearly the names of all defendants joining therein, and their concurrence.

§ 1.37 *Satisfaction of complaint*. If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed) setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

§ 1.42 *Petitions for suspension of tariffs or schedules*—(a) *Content*. The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful and state what protestant offers by way of substitution. Such protests will be considered as addressed to the discretion of the Commission and no protest shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed*. Protests against, and requests for suspension of, tariffs or schedules filed under the act will not be considered unless made in writing and filed with the Commission at Washington, D. C. Such protests and requests for suspension shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30-days notice under the authority of this Commission, in which event the protests should be filed not less than 5 days before such effective dates. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraph (a) of this section and copies thereof are immediately telegraphed by protestants to the respondent carriers or their publishing agents. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

§ 1.55 *Notice of hearing*—(a) *Assignment; service and posting of notice; requests for postponement*. In those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the act. A party should be prepared for hearing at its assigned time. Requests for postponement of dates thereof should be made sparingly, and will not be granted except for good and sufficient cause.

§ 1.76 *Evidence; cumulative restriction*. It shall be the duty of the officer before whom any proceeding is being heard to limit the number of witnesses whose testimony may be merely cumulative. And in order to enforce this section, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

§ 1.77 *Evidence; prepared statements*. With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, or a prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement shall not include argument; that before any such statement is read, or admitted in evidence the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.84 *Evidence; exhibits*. * * *

(d) *Interchange prior to hearing*. Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

§ 1.87 *Evidence; objections to*. Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in exceptions or reply to exceptions, if filed, or in a separate petition dealing only with that objection.

§ 1.89 *Continuance for further hearing*. A continuance may be granted by the presiding officer if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 *Transcript of record*. * * *

(b) *Corrections*. A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections shall be served upon all parties of record and with 2 copies to the official reporter.

§ 1.96 *Exceptions to officer's report*. * * *

(b) *When filed*. Within 30 days after service of the officer's report, any party may file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed as provided in § 1.23. In any case the Commission may, in its discretion, upon notice to the parties reduce or extend the time for filing exceptions or replies.

APPENDIX APPROVED FORMS

No. 3. CERTIFICATE OF SERVICE*

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (here state the precise manner of making service, which must be consistent with the provisions of Rule 23).

Dated at _____, this ____ day of _____, 19____
(Signature) _____

[F. R. Doc. 55-6241; Filed, Oct. 4, 1955;
8:43 a. m.]

* See § 1.22.

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF INFORMATION IN CONNECTION WITH ENFORCEMENT OF IMMIGRATION AND NATIONALITY ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendment to regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as an amendment to present Social Security Administration Regulation No. 1 as amended (20 CFR 401.1 et seq.) It is proposed to amend the existing regulation by authorizing disclosure of specific types of information in accordance with the provisions of section 290 (c) of the Immigration and Nationality Act.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, at the Health, Education, and Welfare Building, Fourth and Independence Avenues, SW., Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 (a) 1102, and 1106 of the Social Security Act, 53 Stat. 1368 as amended, 49 Stat. 647 as amended, 64 Stat. 559, and section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: September 29, 1955.

M. B. FOLSOM,
Secretary of Health, Education,
and Welfare.

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(p) To any officer or employee of the Department of Justice of the United States lawfully charged with the administration of title II of the Immigration and Nationality Act, available information required to be furnished by section 290 (c) of such act, for the purpose of such administration only.

[F. R. Doc. 55-8026; Filed, Oct. 4, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 11510; FCC 55-974]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

LIMITATION ON USE OF CERTAIN FREQUENCIES TO COMMUNICATION PERTAINING TO SAFETY, OPERATIONAL OR BUSINESS PURPOSES

In the matter of amendment of Part 8 with respect to limiting the use of certain 2 Mc intership frequencies to communication pertaining to safety, operational or business purposes; Docket No. 11510.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Part 8 of the Commission's rules provides that certain 2 Mc frequencies for intership communication are available for assignment to ship stations primarily for safety purposes. Communications other than safety communications are authorized upon condition that interference is not caused to safety communication. The instant proposal would clarify the present rule provision by restricting the secondary use of these frequencies to communications essential to the operation or, in the case of commercial transport vessels, the business of the ship. Since other types of communications would not be permissible, the present rule provision stating personal and social communications may be construed by the Commission to be superfluous communication would be deleted.

3. The proposed amendment to the rules is issued pursuant to the authority contained in section 303 (b) (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth below, may file with the Commission on or before November 8, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 28, 1955.

Released: September 29, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 8 is amended as follows:

1. Section 8.6 is amended by adding new paragraphs (m) and (n) thereto as follows:

(m) *Operational communication.* Radiocommunication concerning the navigation, movement, or management of a ship or ships.

(n) *Business communication.* Radiocommunication pertaining to economic, commercial or governmental matters related directly to the purpose for which the ship is being used.

2. Section 8.358 (a) is amended to read as follows:

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies below 3000 kc authorized for working between ship stations employing telephony for transmission and reception on the same radiochannel by means of amplitude modulation, primarily for safety communication, are designated herewith. The transmission of other than safety communication on these radiochannels is restricted to operational communication, except that commercial transport vessels and vessels of municipal or state governments may use these frequencies for ship business purposes as well as operational communication. The transmission of such operational and business communication is authorized upon condition that interference is not caused to safety communication. The use of these carrier frequencies is prohibited when the use of a licensed frequency above 30 Mc in lieu thereof would provide effective communication. Their use shall be in accordance with respective geographic areas as follows:

Frequency (kc) and geographic area in which use is authorized

2003 Great Lakes only.
2738 All areas except the Great Lakes and the Gulf of Mexico.
2830 The Gulf of Mexico.
2638 All areas.

3. Delete the text of § 8.358 (b) and substitute therefor the word "[Reserved]"

4. Section 8.366 (g) is amended to read as follows:

(g) *Authorized use of 2003, 2638, 2738 and 2830 kc.* (1) The radio channels of which 2003, 2638, 2738 and 2830 kc are the authorized carrier frequencies, shall be used by mobile stations in accordance with the provisions of §§ 8.176, 8.177 (b) and 8.358.

(2) Ship stations licensed to transmit on the radio-channel of which 2638 kc is the authorized carrier frequency, shall, when on inland waters of the United States, restrict the use of this channel to a necessary minimum.

[F. R. Doc. 55-8036; Filed, Oct. 4, 1955; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

HANDLING OF ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) as the agency to administer the terms and provisions thereof: (1) That the Secretary

of Agriculture find that expenses not to exceed \$162,000.00 will be necessarily incurred during the fiscal period August 1, 1955, to July 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at \$0.0045 per standard packed box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, United States Department of

Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the *Federal Register*. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 602)

Dated: September 29, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director Fruit and Vegetable Division, Agricultural Marketing Service.

[P. R. Doc. 55-6024; Filed, Oct. 4, 1955; 8:45 a. m.]

NOTICES

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES AND THE ACCEPTANCE AND ASSIGNMENT OF OPTIONS TO PROCURE PROPERTY

The following is the text of Order No. 101 of the Assistant Postmaster General, Bureau of Facilities, dated September 12, 1955:

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169) and Order No. 55834, dated April 28, 1955 (20 F. R. 3548) authority is hereby delegated to the Director of Real Estate, Bureau of Facilities, to take final action, in my name—

(A) With respect to the acceptance and assignment of options to procure land, under authority of Section 903 of Title 39, United States Code, where the Post Office Department has no basic monetary investment in excess of one dollar;

(B) With respect to the procurement of space for postal purposes, as follows—

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of \$20,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of \$10,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is \$10,000 or less; or

4. To accept or enter into agreements to cancel proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the

lease covered by the proposal is for fifteen years or less and where the aggregate rental for the full term of the lease covered by the proposal is \$100,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for fifteen years or less, and the aggregate rental for the renewal term of the lease under the option is \$100,000 or less; or

6. To make agreements for amendments to proposals, leases, contracts, or agreements for increases or reductions in space, building requirements, services or improvements. The authority to enter into agreements for increases is restricted to cases where—

(a) The total cost is not in excess of \$5,000 and is to be borne by the Post Office Department; or

(b) The total cost is to be borne by the proponent or lessor, as the case may be, and is to be amortized under the terms of a lease which is for a term of fifteen years or less, and where the aggregate rental for the full term of the lease is \$100,000 or less;

or

7. To execute leases, contracts, or agreements for garage or parking space for periods of not in excess of one year where the rental is \$10,000 a year, or less; or

8. To cancel leases, contracts, or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 7 of this Order.

The authority delegated by this Order shall be exercised by the Director of Real Estate, Bureau of Facilities, throughout the United States, its Territories and Possessions, including Guam.

This supersedes and cancels Order No. 43, dated November 5, 1954. (19 F. R. 8042.)

DELEGATION OF AUTHORITY TO DEPUTY ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

The following is the text of Order No. 102 of the Assistant Postmaster General, Bureau of Facilities, dated September 12, 1955:

Subject to any restrictions or limitations imposed in Orders of the Postmaster General delegating authority to the Assistant Postmaster General, Bureau of Facilities, authority is hereby delegated to the Deputy Assistant Postmaster General, Bureau of Facilities, to execute and perform in his own name all powers, functions and duties vested in the Assistant Postmaster General, Bureau of Facilities, including authority to modify, suspend, or rescind orders, instructions, and regulations which have heretofore, or which may hereafter be issued in the name of the Assistant Postmaster General, Bureau of Facilities, except that I do hereby reserve to the Assistant Postmaster General, Bureau of Facilities, exclusive authority to modify, suspend, or rescind all or any part of the authority delegated to the Deputy Assistant Postmaster General, Bureau of Facilities, by this order.

(E. S. 161, 336; sec. 334, 353, 42 Stat. 24, 25, sec. 1 (b) 63 Stat. 1622; 5 U. S. C. 22, 1332-15, 363)

[SEAL] ADE MCGIBSON GORT
The Solicitor

[P. R. Doc. 55-6044; Filed, Oct. 4, 1955; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

AUTHORIZATION FOR CERTAIN ACTIVITIES UNDER SECTION 57a (3) (B) OF THE ATOMIC ENERGY ACT OF 1954

1. Notice is hereby given that, pursuant to Section 57a.(3)(B) of the Atomic Energy Act of 1954 (68 Stat.

932) the Atomic Energy Commission has determined that any activity which:

(a) Constitutes directly or indirectly engaging in the production of any special nuclear material in any foreign country other than countries or areas now or hereafter listed as Subgroup A countries or destinations in Section 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce; and

(b) Does not involve the communication of Restricted Data or other classified defense information; and

(c) Is not in violation of other provisions of law; will not be inimical to the interest of the United States and is authorized by the Atomic Energy Commission.

Nothing in the foregoing determination or authorization shall relieve any person from compliance with other provisions of law or regulation, including rules, regulations or orders relating to the export of production or utilization facilities, or source, special nuclear, or byproduct materials, pursuant to the Atomic Energy Act of 1954 or relating to the export of commodities or technical data pursuant to the Export Control Act of 1949, as amended, the Mutual Security Act of 1954, or other law.

2. The Commission intends soon to promulgate regulations incorporating the foregoing determination and authorization. It is planned that such regulations will include provisions requiring persons who have engaged in certain activities pursuant to the authorization set forth in paragraph 1 of this Notice to submit a report to the Commission concerning such activity.

3. Inquiries concerning this Notice may be addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Civilian Application.

Dated at Washington, D. C., this 30th day of September 1955.

K. E. FIELDS,
General Manager

[F. R. Doc. 55-8097; Filed, Oct. 3, 1955;
4:34 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7186]

LAKE CENTRAL PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 13, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., September 30, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 55-8048; Filed, Oct. 4, 1955;
8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 22, 1955.

The U. S. Fish and Wildlife Service has filed an application, Serial No. W-01923, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, but not the mineral leasing laws of the United States. The applicant desires the land for use by the State of Washington Department of Game for wildlife purposes in connection with the Sherman Creek Game Range.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 209, Federal Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 36 N., R. 37 E.,
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 17, NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 29, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 33, W $\frac{1}{2}$ W $\frac{1}{2}$.

The total area aggregates approximately 560 acres.

J. M. HONEYWELL,
State Supervisor

[F. R. Doc. 55-8028; Filed, Oct. 4, 1955;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11262; FCC 55M-825]

AMERICAN SOUTHERN BROADCASTERS (WPWR)

ORDER FOR THE CONDUCT OF HEARING

In re application of Carrol F. Jackson & D. N. Jackson, d/b as American Southern Broadcasters (WPWR) Laurel, Mississippi, Docket No. 11262, File No. BP-9440; for construction permit for new standard broadcast station.

Appearances. Carrol F. Jackson, on behalf of American Southern Broadcasters (WPWR) Vincent A. Pepper, on behalf of protestants, Southland Broadcasting Company (WLAU) and New Laurel Radio Station, Inc. (WAML) and David I. Kraushaar, on behalf of the Chief, Broadcast Bureau.

1. A pre-hearing conference in the above-entitled proceeding was held September 23, 1955. The appearances were as above indicated.

2. At the conference, it was disclosed that the issues as drawn and as reflected in the pleadings in this proceeding are clear and understood by all parties. The applicant and protestants wish to present a substantial part of their cases by documentary evidence. Oral testimony will be given by the applicant and the protestants in addition to the information contained in the several written exhibits.

3. The parties agree that because of the nature of this proceeding, a protest proceeding, further conferences on the record are not necessary and that each will be prepared to exchange the written exhibits referred to above on or before October 10, 1955, and will be ready to proceed with the introduction of the exhibits and oral testimony on October 25, 1955.

It is ordered, This the 23d day of September 1955, that pursuant to the agreements hereinabove referred to, all exhibits to be introduced by the parties in support of those issues from which he has the burden of proof will be exchanged on or before October 10, 1955, and further hearing in this proceeding will be held on October 25, 1955, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8036; Filed, Oct. 4, 1955;
8:48 a. m.]

[Docket No. 11384; FCC 55M-823]

WGNS, INC.

ORDER CONTINUING HEARING

In the matter of WGNS, Incorporated, Murfreesboro, Tennessee, Docket No. 11384, order to show cause why the license of AM Radio Station WGNS should not be revoked.

The Hearing Examiner having under consideration a petition filed on September 21, 1955, on behalf of WGNS, Incorporated, requesting that the hearing in the above-entitled proceeding be continued without date; and

It appearing that sufficient "good cause" has been set forth in the said petition to justify a grant of the relief requested herein; and

It further appearing that the Broadcast Bureau of this Commission, the only other party to the proceeding, has consented to a grant of the said petition and to a waiver of section 1.745 of the Commission's rules relating to the timely filing of motions;

It is ordered, This 23d day of September 1955, that the above petition be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8037; Filed, Oct. 4, 1955;
8:48 a. m.]

[Docket No. 11469 etc.; FCC 55M-831]

ROLLINS BROADCASTING, INC., ET AL.

STATEMENT AND ORDER CONTINUING
HEARING

In re applications of Rollins Broadcasting, Inc., Indianapolis, Indiana, Docket No. 11469, File No. BP-9414; Jules J. Paglin & Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Indianapolis, Indiana, Docket No. 11470, File No. BP-9473; Charles N. Cutler & Earl T. Herzog, d/b as Wireless Broadcasters, Franklin, Indiana, Docket No. 11471, File No. BP-9494, Wabash-Peru Broadcasting Co., Inc. (WARU), Peru, Indiana, Docket No. 11472, File No. BP-9731; Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan, Docket No. 11473, File No. BP-9732; for construction permits.

Appearances. Leonard H. Marks, on behalf of Rollins Broadcasting, Inc., D. F. Prince and Jack P. Blume, on behalf of OK Broadcasting Company; Leo Resnick, on behalf of Wireless Broadcasters; Omar L. Crook, on behalf of Radio St. Clair (WDOG) Respondent; and Thomas B. Fitzpatrick, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Pursuant to sections 1.813 and 1.841 (c) of the Commission's Rules as amended, the first pre-hearing conference in the above-entitled proceeding was held before the undersigned Hearing Examiner at the offices of this Commission, on September 21, 1955, in which all of the parties as shown above under "Appearances" were represented by counsel. On September 19, 1955, prior to this pre-hearing conference, Mr. Norman E. Jorgensen, counsel for Champion City Broadcasting Company (WBLY), respondent, advised the presiding Hearing Examiner by telephone that his client had caused a study to be made of the possibility of mutual interference involved in the operation of station WBLY and the proposed operations of Station WARU, Rollins Broadcasting, Inc., and OK Broadcasters Company, and that as a result thereof had concluded that this problem was not of sufficient importance to warrant its participation in the proceeding. He stated, therefore, that Champion City Broadcasting Company would not enter an appearance at the pre-hearing conference. On the morning of September 21, 1955, prior to the commencement of the pre-hearing conference, Mr. John H. Midlen, counsel for Wabash-Peru Broadcasting Company, Inc. (WARU) and Twin Valley Broadcasters Inc. (WTVB) applicants in this proceeding, notified the Hearing Examiner by telephone that he was confined to his home by illness and would be unable to attend this conference.

2. At the pre-hearing conference certain stipulations were reached between the parties present and procedures established governing the hearing subject to subsequent consent thereto by Mr. Midlen on behalf of his clients. However, with the exception of counsel for Rollins Broadcasting, Inc., it was agreed between these parties that the initial pre-hearing conference should be continued until October 21, 1955, in order

to afford Mr. Midlen an opportunity to participate therein and to state on the record his position concerning the stipulations and procedures which had been agreed upon between the other parties and to allow additional time for counsel representing applicants who own or operate existing broadcast stations within which to attempt to reach stipulations concerning the character of the past operations of such stations or agreements concerning the type of proof to be offered on these subjects with the view to expediting the proceeding.¹ In view of these developments, the procedures established and the stipulations tentatively reached during the September 21, 1955, session of the initial pre-hearing conference are not discussed herein but will be included in a Statement and Order to be issued subsequent to the termination of this conference on October 21, 1955. It was further agreed at this pre-hearing conference that the date for the exchange of exhibits between the various parties should be set for November 10, 1955, and the date for the taking of testimony for November 18, 1955. Due to various uncertain factors, it was further agreed that the date for the final pre-hearing conference to follow the exchange of exhibits, as required under section 1.841 (c) of the Commission's rules, as amended, should be left open.

3. In view of the foregoing: *It is ordered*, This 28th day of September 1955, that the initial pre-hearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, October 21, 1955, in the offices of this Commission, Washington, D. C., that the date for the exchange of exhibits between the parties to this proceeding is hereby fixed for Thursday, November 10, 1955; and that the date of the hearing is hereby postponed from October 10, 1955, until 10:00 o'clock a. m., on Friday, November 18, 1955, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 55-8038; Filed, Oct. 4, 1955;
8:43 a. m.]

[Docket Nos. 11503, 11509; FCC 55-970]

MIDWESTERN BROADCASTING CO. AND
STRAITS BROADCASTING CO.ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED
ISSUES

In re applications of Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 11503, File No. BPCT-1992; R. E. Hunt d/b as Straits

¹ Counsel for Rollins Broadcasting, Inc., took the position that it was not necessary to hold an additional session of this pre-hearing conference on October 21, 1955, in order to effectuate the purposes set forth above, but agreed that it would be attended on behalf of his client by an associate from his office.

Broadcasting Company Cheboygan, Michigan, Docket No. 11509, File No. BPCT-1993; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23rd day of September 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in Cheboygan, Michigan; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that by letter dated September 12, 1955, R. E. Hunt d/b as Straits Broadcasting Company requested an additional period of three weeks within which to amend his application; that no amendment has been filed to date; and that further delay in designating the applications herein for hearing would not be warranted; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Midwestern Broadcasting Company is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station except as to issue "(1)" below; and that R. E. Hunt d/b as Straits Broadcasting Company is legally qualified to construct, own and operate the proposed television station and is technically so qualified except as to issue "(3)" below;

It is ordered, That the request of R. E. Hunt d/b as Straits Broadcasting Company to withhold designating the applications herein for hearing pending the filing of his proposed amendment is denied.

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 28th day of November 1955 in Washington, D. C., upon the following issues:

(1) To determine whether the type and character of the program service proposed by Midwestern Broadcasting Company and R. E. Hunt d/b as Straits Broadcasting Company would meet the needs of the principal community to be served.

(2) To determine the financial qualifications of R. E. Hunt d/b as Straits Broadcasting Company to construct, own and operate the proposed television broadcast station.

(3) To determine the precise location of the television antenna proposed by R. E. Hunt d/b as Straits Broadcasting Company with respect to the radiator of Station WCBY (AM) the feasibility of such proximate location and the effect thereof upon the operation of WCBY (AM)

(4) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience, and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 29, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8039; Filed, Oct. 4, 1955;
8:49 a. m.]

[Docket Nos. 11511, 11512; FCC 55-980]

BOOTH RADIO AND TELEVISION STATIONS,
INC. AND EATON COUNTY BROADCASTING
CO.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio and Television Stations, Inc., Lansing Michigan, Docket No. 11511, File No. BP-9767; Roy W. McLean and Craig E. Davids, d/b as Eaton County Broadcasting Company, Charlotte, Michigan, Docket No. 11512, File No. BP-9876; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of September 1955;

The Commission having under consideration the above-entitled applications of Booth Radio and Television Stations, Inc., for a construction permit for a new standard broadcast station to operate on 1390 kilocycles with a power of 500 watts, daytime only, at Lansing, Michigan; and Roy W. McLean and Craig E. Davids, d/b as Eaton County Broadcasting Company for a construction permit

for a new standard broadcast station to operate on 1390 kilocycles with a power of 1 kilowatt, daytime only, employing a directional antenna, at Charlotte, Michigan; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference; and that the operation proposed by Booth Radio and Television Stations, Inc. would cause interference to Station WSAM, Saginaw, Michigan (1400 kc, 250 w, Unl.) and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 5, 1955 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by each of the applicants; and

It further appearing that in a letter dated August 16, 1955, Station WSAM requested that the application of Booth Radio and Television Stations, Inc., be designated for hearing on grounds that it would cause interference to WSAM; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary; and

It further appearing that no objections have been interposed by the Air Coordinating Committee to the antenna tower construction proposed by both applicants but that the tower heights are critical and should not be exceeded, and, accordingly, in the event of a grant of either proposal the permittee should be required to complete FCC Form 720 regarding "Critical Obstruction"; and

It further appearing that in order to eliminate any adverse effects on the directional antenna system proposed in the application of the Eaton County Broadcasting Company, in the event of a grant of this application, the permittee should be required to relocate the power lines now on its antenna site;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Booth Radio and Television Stations, Inc., would involve objectionable interference with Station WSAM, Saginaw, Michigan; or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That in the event of a grant of either subject proposal the permittee shall be required to complete FCC Form 720 regarding "Critical Obstruction";

It is further ordered, That in the event of a grant of the application of the Eaton County Broadcasting Company, the permittee shall be required to relocate the power lines now on its antenna site in order to eliminate any adverse effects on its proposed directional antenna system;

It is further ordered, That the Knorr Broadcasting Corporation, licensee of Station WSAM, Saginaw, Michigan, is made a party to the proceeding.

Released: September 29, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8040; Filed, Oct. 4, 1955;
8:49 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Correction

In the notice of correction to Federal Register Document 55-7713, published at page 7345 in the issue for Saturday, October 1, 1955, the paragraph designation "1528" should have read "1529"

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31141. *Salt cake—Louisville, Ky., to Palatka, Fla.* Filed by R. E. Boyle, Agent, for interested rail carriers. Rates on salt cake (crude sulphate of soda), carloads from Louisville, Ky., to Palatka, Fla.

Grounds for relief: Circuitous routes. Tariff: Supplement 239 to Agent Spaninger's I. C. C. 1062.

FSA No. 31142: *Coal—Alabama mines to Florida and Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on bituminous coal, carloads from Group 3 mines in Alabama on the St. Louis-San Francisco Railway Company to Chattahoochee, Fla., Kramert and Yates, Ga.

Grounds for relief: Origin min group relations and circuitous routes.

Tariff: Supplement 12 to St. L-S. F Ry. I. C. C. A-580.

FSA No. 31143: *Automobile parts—South Greensburg, Pa., to South.* Filed by C. W. Bom, Agent, for interested rail carriers. Rates on automobile parts, carloads from South Greensburg, Pa., to specified points in Alabama, Florida, Georgia, Louisiana, North Carolina and Tennessee.

Grounds for relief: Circuitous routes. Tariff: Supplement 87 to Agent Bom's I. C. C. A-968.

FSA No. 31144. *Sodium phosphates—From the East to the South.* Filed by C. W. Bom, Agent, for interested rail carriers. Rates on sodium, di-sodium, and tri-sodium phosphates, carloads from specified points in Delaware, New Jersey, New York, and Pennsylvania to specified points in Alabama, Florida, Georgia, Mississippi and Tennessee.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 87 to Agent Bom's I. C. C. A-968.

FSA No. 31145: *Liquefied Petroleum Gas—Mid-Continent Origins to Maryland.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas to Hagerstown and Hancock, Md.

Grounds for relief: Maintenance of rates through higher-rated intermediate territories on prescribed bases, and circuitry.

Tariff: Supplement 29 to Agent Kratzmeir's I. C. C. 4150.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-8042; Filed, Oct. 4, 1955; 8:50 a.m.]

[Notice 80]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 30, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest

served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2727 Sub 2, filed September 16, 1955, T. RUSSELL SPENCER and LLOYD LeROY SPENCER, doing business as SPENCER BROTHERS, 739 North 2nd Street, Lawrence, Kans. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a common carrier transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Natural Storage Cave located approximately five miles southwest of Bonner Springs, Kans., as an off-route point in connection with applicant's regular route operations between Kansas City, Mo., and Lawrence, Kans. Applicant is authorized to conduct operations in Kansas and Missouri.

No. MC 4405 Sub 268, filed September 20, 1955, DEALERS TRANSIT, INC., 12933 Stony Island Avenue, Chicago, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a common carrier over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis and semi-trailer chassis*, in initial movements, in truckaway service, from Lima, Ohio, to all points in the United States, and (2) *trailers, semi-trailers, trailer chassis and semi-trailer chassis*, in initial movements, in drive-away service, from Lima, Ohio, to all points in the United States except those

in Arizona, Nevada, Oregon and Vermont. Applicant is authorized to conduct operations throughout the United States.

No. MC 7746 Sub 72, filed August 15, 1955, UNITED TRUCK LINES, INC., East 915 Springfield Ave., Spokane 2, Wash. For authority to operate as a common carrier (A) over regular routes, transporting: (1) *General commodities*, including household goods, as defined by the Commission, but excluding those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, (a) between Salt Lake City, Utah, and Boise, Idaho, over U. S. Highway 91 from Salt Lake City to junction U. S. Alternate Highway 91, thence over U. S. Alternate Highway 91, and also over U. S. Highway 91 to junction U. S. Highway 89, thence over U. S. Highway 91 to Brigham City, Utah, thence over U. S. Highway 30S to Burley, Idaho, thence over U. S. Highway 30 to Boise, and return over the same route, serving all intermediate points, and the off-route points of Magna, Garfield, Murray, Midvale, and Provo, Utah, (b) between Burley, Idaho, and Paul, Idaho, over unnumbered highway, serving all intermediate points, (c) between Tremonton, Utah, and St. Anthony, Idaho, over U. S. Highway 30S from Tremonton to junction U. S. Highway 191, thence over U. S. Highway 191 to Downey, Idaho, thence over U. S. Highway 91 to Idaho Falls, Idaho, thence over U. S. Highway 191 to St. Anthony, and return over the same route, serving all intermediate points, (d) between Brigham City, Utah, and Downey, Idaho, over U. S. Highway 91, and also over Utah Highway 69 from Brigham City to Logan, Utah, thence over U. S. Highway 91 to Downey, and return over the same route, serving all intermediate points, (e) between Pocatello, Idaho, and Bliss, Idaho, over U. S. Highway 30N to junction Idaho Highway 25, thence over Idaho Highway 25 to junction Idaho Highway 46, thence over Idaho Highway 46 to Gooding, Idaho, thence over U. S. Highway 26 to Bliss, and return over the same route, serving all intermediate points, (f) between Twin Falls, Idaho, and Jerome, Idaho, over U. S. Highway 93 from Twin Falls to junction Idaho Highway 25, thence over Idaho Highway 25 to Jerome, and return over the same route, serving all intermediate points, (g) between Rupert, Idaho, and Burley, Idaho, over U. S. Highway 30N, serving all intermediate points, (h) between Blackfoot, Idaho, and the nearest point on U. S. Highway 20 within the United States Atomic Energy Reactor Testing Station Reservation, over U. S. Highway 26 from Blackfoot to junction U. S. Highway 20, thence over U. S. Highway 20 to the United States Atomic Energy Reactor Testing Station Reservation, and return over the same route, with no service at intermediate points but serving the off-route area or points located within said United States Reservation, (i) between Boise, Idaho, and Lucky Peak Dam, Idaho, over Idaho Highway 21, serving all intermediate points, (j) between Wendell, Idaho, and Bliss, Idaho, over Idaho Highway 25, serving all intermediate points, (k) between junction

U. S. Highway 191 and U. S. Highway 26 at or near Iona, Idaho, and the Palisades Dam Site, over U. S. Highway 26, serving the intermediate point or Ririe, Idaho, and all other intermediate and off-route points located within five (5) miles of the Palisades Dam Site, with such intermediate and off-route point service being restricted to the pick-up or delivery of shipments moving to or from the Palisades Dam Site or points within five (5) miles thereof, (l) between Gooding, Idaho, and junction U. S. Highway 26 and highway known as Idaho Falls-Twin Buttes Highway (shown in Rand McNallys as U. S. Highway 20) approximately six (6) miles northwest of Midway (Atomic City) Idaho, over U. S. Highway 26 from Gooding to Shoshone, Idaho, thence over U. S. Alternate Highway 93 to Carey, Idaho, thence over U. S. Highway 20 to junction U. S. Highway 26, and return over the same route, with no service at intermediate points, (m) between Jerome, Idaho, and Idaho Falls, Idaho, over Idaho Highway 25 from Jerome to junction U. S. Highway 93, thence over U. S. Highway 93 to Shoshone, Idaho, thence over route described under (l) above (U. S. Alternate Highway 93 to Carey, Idaho, thence U. S. Highway 20) to junction U. S. Highway 26, approximately six (6) miles northwest of Midway (Atomic City) Idaho, thence over highway known as Idaho Falls-Twin Buttes Highway (shown in Rand McNallys as U. S. Highway 20) to Idaho Falls, and return over the same route, with no service at intermediate points, (n) between Gooding, Idaho, and Blackfoot, Idaho, over route described under (l) above (U. S. Highway 26) from Gooding to Shoshone, Idaho, thence over routes described under (l) and (m) above (U. S. Alternate Highway 93 to Carey, Idaho, thence U. S. Highway 20) to junction U. S. Highway 26, approximately six (6) miles northwest of Midway (Atomic City) Idaho, thence over U. S. Highway 26 to Blackfoot, and return over the same route, with no service at intermediate points, (o) between Jerome, Idaho, and Blackfoot, Idaho, over route described under (m) above (Idaho Highway 25 from Jerome to junction U. S. Highway 93, thence over U. S. Highway 93) to Shoshone, Idaho, thence over routes described under (l) (m) and (n) above (U. S. Alternate 93 to Carey, Idaho, thence U. S. Highway 20) to junction U. S. Highway 26, approximately six (6) miles northwest of Midway (Atomic City) Idaho, thence over route described under (m) above (U. S. Highway 26) to Blackfoot, and return over the same route, with no service at intermediate points, (p) between junction U. S. Highway 91 and Utah Highway 84 at Roy, Utah, and junction U. S. Highway 91 and Utah Highway 84 at Hot Springs, Utah, over Utah Highway 84, with no service at intermediate points, (q) between Ogden, Utah, and junction 12th Street and Utah Highway 84, over 12th Street, with no service at intermediate points, and serving the junction of 12th Street and Utah Highway 84 for joinder purposes only, (r) between Ogden, Utah, and junction Utah Highways 38 and 84, over Utah

Highway 38, with no service at intermediate points, and serving the junction of Utah Highways 38 and 84 for joinder purposes only, (s) serving the Ticeska Dam Site near Bliss, Idaho, as an off-route point in connection with regular route operations to and from Bliss, Idaho, and (t) serving points on and within 15 miles of an unnumbered highway between Rupert, and Minidoka, Idaho, excepting Minidoka, and Acequia, Idaho, as off-route points in connection with regular route operations to and from Rupert, Idaho, (2) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (a) between Sugar City, Idaho, and Victor, Idaho, over Idaho Highway 33, serving the intermediate points of Teton, Newdale, Clementsville, Tetonia, and Driggs, Idaho, and the off-route points of Drummond, and Felt, Idaho, (b) between Idaho Falls, Idaho, and Ammon, Idaho, east over an unnumbered highway (known as Ammon Road) for a distance of about three (3) miles from Idaho Falls to junction an unnumbered highway, thence south over said unnumbered highway to Ammon, and return over the same route, serving all intermediate points, (c) between Boise, Idaho, and the Idaho-Oregon State line, over Idaho Highway 44 from Boise to junction U. S. Highway 30, thence over U. S. Highway 30 Caldwell, Idaho, thence over Idaho Highway 19 through Homedale, Idaho to the Idaho-Oregon State line, and return over the same route, serving the intermediate points of Eagle, Star, Middleton, Caldwell, Wilder, and Homedale, Idaho, and the off-route points of Meridian, Huston, Marsing, Greenleaf, and Nampa, Idaho, (d) between Boise, Idaho, and the Idaho-Oregon State line, over U. S. Highway 30 from Boise to Caldwell, Idaho, thence over unnumbered highway to junction Idaho Highway 72, thence over Idaho Highway 72 to junction U. S. Highway 95, thence over U. S. Highway 95 to Homedale, Idaho, thence over Idaho Highway 19 to the Idaho-Oregon State line, and return over the same route, serving the intermediate points of Meridian, Nampa, Caldwell, Huston, Marsing, and Homedale, Idaho, and the off-route points of Eagle, Star, Middleton, Wilder, and Greenleaf, Idaho, (e) between Boise, Idaho, and New Meadows, Idaho, over Idaho Highway 44 from Boise to junction Idaho Highway 15, thence over Idaho Highway 15 to New Meadows, and return over the same route, serving all intermediate points, and the off-route points of Roseberry, Norwood, and Sylvan Beach, Idaho, (f) between Boise, Idaho, and New Meadows, Idaho, over Idaho Highway 44 from Boise to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 30N, thence over U. S. Highway 30N to Weiser, Idaho, thence over U. S. Highway 95 to New Meadows, and return over the same route, serving all intermediate points, restricted against pick-up or delivery of traffic at New Meadows, Idaho, or Boise, Idaho, moving to or from either of these points, (g)

between Emmett, Idaho, and New Meadows, Idaho, over Idaho Highway 16 from Emmett to junction U. S. Highway 30, thence over route described under (f) above (U. S. Highway 30 to junction U. S. Highway 30N, thence U. S. Highway 30N to Weiser, Idaho, thence U. S. Highway 95) to New Meadows, and return over the same route, serving all intermediate points, restricted against pick-up or delivery of traffic at New Meadows, Idaho, or Boise, Idaho, moving to or from either of these points, (h) between Boise, Idaho, and New Meadows, Idaho, over route as described under (f) above, serving all intermediate points, (i) between Ontario, Oreg., and Payette, Idaho, over U. S. Highway 30 from Ontario to junction U. S. Highway 95, thence over U. S. Highway 95 to Payette, and return over the same route, serving all intermediate points, (j) between Ontario, Oreg., and Weiser, Idaho, over U. S. Highway 30 from Ontario to junction U. S. Highway 30N near Weiser, Idaho, thence over U. S. Highway 30N to Weiser, and return over the same route, serving all intermediate points, (k) between New Meadows, Idaho, and McCall, Idaho, over Idaho Highway 15, serving all intermediate points, and the off-route points of Old Meadows, and Sylvan Beach, Idaho; with service in performance of operations over routes described under (h), (i), (j), and (k) above being restricted against pick-up or delivery of traffic at Ontario, Oreg., Weiser, Idaho, and Payette, Idaho, moving to or from Ontario, Weiser, and or Payette, (l) between junction U. S. Highway 30 and Idaho Highway 52 near New Plymouth, Idaho, and Payette, Idaho, over Idaho Highway 52, with no service at intermediate points, and (m) between Boise, Idaho, and Caldwell, Idaho, over U. S. Highway 20, with no service at intermediate points, (3) *general commodities*, including *Class A and B explosives*, and *commodities in bulk*, but excluding those of unusual value, household goods as defined by the Commission, and those requiring special equipment, between Twin Falls, Idaho, and Clayton, Idaho, over U. S. Highway 93 from Twin Falls to Shoshone, Idaho, thence over U. S. Alternate Highway 93 to Tikura, Idaho, thence over unnumbered highway to Pacabo, Idaho, thence over Idaho Highway 22 (Rand McNally shows that it may be Idaho Highway 23) to Bellevue, Idaho (also over U. S. Highway 93 from Shoshone, Idaho to Bellevue, Idaho), thence over U. S. Highway 93 to Clayton, and return over the same highways, serving the intermediate points of Shoshone, Richfield, Picabo, Gannett, Bellevue, Ketchum, and Halley, Idaho, and those between Ketchum and Clayton, and off-route points within 15 miles of the indicated portions of the specified highways, (4) *general commodities*, including *Class A and B explosives*, *household goods* as defined by the Commission, *commodities in bulk*, excepting petroleum, and those requiring special equipment, but excluding livestock, petroleum in bulk, and those of unusual value, between Salmon, Idaho, and Missoula, Mont., over U. S. Highway 93, serving all intermediate points, (5) *general commodities*, including *Class A and B ex-*

plosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment excepting articles exceeding the capacity of equipment, (a) between Roberts, Idaho, and Rigby, Idaho, over Idaho Highway 48, serving all intermediate points, and (b) between Idaho Falls, Idaho, and Salmon, Idaho, over U. S. Highway 91 from Idaho Falls to junction Idaho Highway 28, thence over Idaho Highway 28 to Salmon, and return over the same route, serving all intermediate points without restriction, and (1) the off-route points of Ammon, Idaho and brickyards within one mile thereof restricted to pick-up of brick only, and (2) the off-route point of the site of the Atomic Energy Reactor Testing Plant and Reservation and Naval Proving Grounds, located near Arco, Idaho, through all gateways thereto, restricted to the transportation of *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, and also restricted against the interchange of shipments at Idaho Falls destined to or originating at said reservation, and (6) *general commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Caldwell, Idaho, and Pasco, Wash., over U. S. Highway 30 from Caldwell to Pendleton, Oreg., thence over U. S. Highway 395 to Pasco, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with regular route operations between Boise, Idaho, and Seattle, Wash., restricted to traffic moving from, to or through Seattle, Wash., and also restricted to traffic originating at or destined to points west of Yakima on or north of U. S. Highway 410, and (B) over irregular routes, transporting: *General commodities*, except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boise, Idaho, on the one hand, and, on the other, Lewiston, Caldwell, Nampa, Twin Falls, Pocatello, Soda Springs, Blackfoot, Arco, Mackay, Challis, Salmon, and Idaho Falls, Idaho. Applicant is authorized to conduct both regular and irregular route operations in Idaho, Montana, Oregon, and Washington.

No. MC 10928 Sub 26, filed September 26, 1955, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and New Orleans, La., over U. S. Highway 90, serving all intermediate points, and off-route points within ten miles of New Orleans, La.,

those within 12 miles of Lake Charles, La., and those within the Houston, Tex., Commercial Zone as defined by the Commercial Zone as defined by the Commission.

NOTE: Applicant states that this application is being substituted for the application now pending in MC 16928 Sub 21, and set for hearing; the only difference between the two applications is the intermediate points to be served. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 11185 Sub 91, filed September 21, 1955, J-T TRANSPORT COMPANY, INC., 6504 East 37th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *contract carrier* over irregular routes, transporting: *aircraft assemblies*, uncrated, from Kansas City, Mo., to Wichita, Kans. Applicant is authorized to conduct operations throughout the United States and the District of Columbia.

No. MC 30164 Sub 29, filed September 14, 1955, HIGHWAY TRANSPORTATION COMPANY, INC., 215 Lincoln Street, South Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland and South Portland, Maine, to Wilsons Mills, Maine. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, and Vermont.

No. MC 30337 Sub 191, filed September 20, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519-76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 1800 N. Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Self propelled street sweepers*, from Gardena and Los Angeles, Calif., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 30337 Sub 192, filed September 20, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519-76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pre-cut houses and pre-fabricate houses*, from Kearns, Utah, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin and Wyoming. Applicant is not authorized to transport the commodities specified.

No. MC 39443 Sub 8, filed September 16, 1955, RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Mineral mixture for livestock and poultry feeding, animal feed and poultry feed, insecticides*, (other than agricultural) *animal and poultry tonics and medicines, dry earth paint, and advertising matter*, from Quincy, Ill., to points in Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Adair, Mills, Mont-

gomery, Adams, Fremont, Pava, and Taylor Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Missouri, and Wisconsin.

No. MC 46936 Sub 7, filed September 20, 1955, ERNEST L. HARNER, doing business as HARNER'S EXPRESS, 903 Eastwind Road, Reston, Md. Applicant's attorney: Harry F. Gillis, 804 Mills Bldg., Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Corrugated paper boxes and pulpboard corrugated boxes*, knocked down flat, and *paper products*, from Baltimore, Md., to Littlestown, Pa. and Petersburg, Va. Applicant is authorized to conduct irregular route operations in Maryland, Pennsylvania, Delaware, Virginia and the District of Columbia.

No. MC 52579 Sub 28, filed September 26, 1955, GILBERT CARRIER CORP., 645 W 40th St., New York, N. Y. Applicant's attorney: Harris J. Klein, 239 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, on hangers, from Maryland, Ky. and Erlanger, Ky. to points in the United States; *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodity on return. Applicant is authorized to conduct operations from named points to points in the United States.

No. MC 58948 Sub 75, filed August 11, 1955, UNION TRANSFER COMPANY, a corporation, doing business as UNION FREIGHTWAYS 720 Leavenworth Street, P. O. Box 1586, Omaha, Nebr. For authority to operate as a *common carrier* transporting: *Class A, B, and C explosives, and component parts thereof* (1) Serving an area on Caton Road, 100 yards west of U. S. Highway 66-A, near Rockdale, Ill., and (2) junction U. S. Highway 66 and 66-A, approximately 13 miles northeast of Joliet, Ill. (Welco Station), near Lemont, Ill., as off-route points in connection with carrier's regular route operations (a) between Omaha, Nebr., and Chicago, Ill., and (b) between junction U. S. Highway 30 and unnumbered highway (about four miles east of Round Grove, Ill.) and Chicago, Ill.

NOTE: The applicant states that the above points are for interchange only. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

No. MC 64994 Sub 17, filed September 21, 1955, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's attorney: York & Boyd, 201-204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier* over irregular routes, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, from Augusta, Georgia, to points in South Carolina. Applicant is authorized to conduct regular route operations in Indiana, North Carolina, Ohio, Virginia, and West Virginia, and irregular route operations in Indiana, Illinois, Maryland, Michigan,

North Carolina, Pennsylvania, South Carolina, Ohio, Virginia, and West Virginia.

No. MC 66562 Sub 1249, filed September 6, 1955, amended September 22, 1955, published in September 21, 1955 issue, page 7088, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N. Y. Applicant's attorneys: Alston, Sibley, Miller, Spann & Shackelford, 1220 Citizens and Southern National Bank Bldg., Atlanta, Ga. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Nashville, Tenn., and Crossville, Tenn., from Nashville over U. S. Highway 31-E to Madison, Tenn., thence over Tennessee Highway 45 via Old Hickory to junction U. S. Highway 70-N, thence over U. S. Highway 70-N to Crossville, and return over the same route, serving the intermediate points of Old Hickory, Lebanon, Carthage, Double Springs, Cookeville and Monterey Tenn., and the off-route points of Watertown, Baxter and Algood, Tenn. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 Sub 1250, filed September 20, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 E. 42nd St., New York 17, N. Y. Applicant's attorney: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, moving in express service, (1) between Winston-Salem, N. C. and North Wilkesboro, N. C., from Winston-Salem over U. S. Highway 52 to Rural Hall, N. C., thence over North Carolina Highway 65 to junction with North Carolina Highway 67, thence over North Carolina Highway 67 to junction with U. S. Highway 21, thence over U. S. Highway 21 to Elkin, N. C., and thence over North Carolina Highway 268 to North Wilkesboro, N. C., and return over the same routes, serving the intermediate points of Rural Hall, Elkin, and Ronda, N. C. and the off-route point of Crutchfield, N. C., over U. S. Highway 601, (2) between Winston-Salem, N. C. and junction North Carolina Highway 65, from Winston-Salem over U. S. Highway 421 to junction with North Carolina Highway 67, thence over North Carolina Highway 67 to junction with North Carolina Highway 65, and return over the same routes. Applicant is authorized to conduct operations throughout the United States.

No. MC 67818 Sub 56, filed September 26, 1955, MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Iron and steel articles*, between Trenton, Mich., and Gibraltar, Mich., on the one hand, and, on the other, points in Ohio, Indiana and Illinois. Applicant is authorized to con-

duct operations in Michigan, Ohio and Pennsylvania.

No. MC 69145 Sub 1, filed August 29, 1955, CHARLES MONTGOMERY MITCHELL, CHARLES MULLINS MITCHELL, AND WILLIAM EDWIN MITCHELL, doing business as C. M. MITCHELL & SONS TRANSFER CO., 2704 Fifth Street, Meridian, Miss. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mt. Sterling, Ala., and Yantley, Ala., from Mt. Sterling over Alabama Highway 10 to junction unnumbered Farm to Market Road, near Nanatulia, Ala., thence over unnumbered Farm to Market Road in Yantley, and return over the same route, serving the intermediate points of Lavaca, Pennington, Nehoele, (located approximately 4½ miles northeast of Pennington) Robjohn, Choctaw, and Jachin, Ala., and the off-route point of the proposed site of the mill of the Marathon Corporation, near Nehoele.

NOTE: Applicant has contract carrier, irregular route authority in MC 111706—Section 210 may be involved. Applicant is authorized to conduct operations in Alabama and Mississippi.

No. MC 70330 Sub 24, filed August 1, 1955, J. TOM MILLER, doing business as MILLER TRUCK LINE, 901 N. E. 28th St., Ft. Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Ft. Worth, Tex. For authority to operate as *contract carrier* over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, from Paris, Tex. to Baton Rouge, Alexandria, and New Orleans, La., and Mobile, Ala. *damaged shipments* of the above-named commodities on return. Applicant is authorized to conduct operations in Texas, Louisiana, New Mexico, Oklahoma, Arkansas and Mississippi.

No. MC 82083 Sub 10, filed September 21, 1955, CHARLES A. KUHN'S DELIVERY, INC., 2259 Fairfield Avenue, Niagara Falls, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Benzyl chloride*, in bulk, in shipper-owned tank trailer, from Niagara Falls to Everett, Mass., and *empty trailers or rejected material* on return. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Ohio, Missouri, and Virginia.

No. MC 86782 Sub 3, filed September 12, 1955, RICHARD L. EDGAR, doing business as SAMSON TRUCK LINE, P. O. Box 926, Mountain Home, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, including *household goods as defined by the Commission* and *commodities in bulk*, but excluding articles of unusual value, livestock, Class A and B explosives, petroleum products in bulk, and commodities requiring special equipment, between Mountain Home, Idaho, and Elko, Nev., from Mountain Home over

Idaho Highway 51 to junction Nevada Highway 11, thence over Nevada Highway 11 to junction Nevada Highway 11-A, thence over Nevada Highway 11-A to junction Nevada Highway 43, thence over Nevada Highway 43 to junction Nevada Highway 11 north of Dinner Station, Nev., thence over Nevada Highway 11 to Elko, and return over the same route, serving all intermediate points, and off-route points within 15 miles along either side of the highways specified above. Applicant is authorized to conduct operations in Idaho and Nevada.

No. MC 96288 Sub 2, filed September 21, 1955, LEONARD L. LEIDING, 621 West Mulberry Street, Watseka, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Sand, gravel, crushed stone, limestone and dirt*, between points in Newton County, Ind., on the one hand, and, on the other, points in Kankakee County, Ill. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 96448 Sub 1, filed September 23, 1955, BROOK LODGE, INC., 210 Main Street, Hackensack, N. J., Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horses* (other than ordinary livestock) and *equipment and paraphernalia* incidental to the transportation, care and display of such horses, including *attendants and their personal property*: Between points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, and the District of Columbia. Duplicating authority to be eliminated. Applicant is authorized to conduct operations in New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia and West Virginia.

No. MC 103516 Sub 4, filed September 26, 1955, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, 140 Cedar St., New York 6, N. Y. Applicant's attorney: Richard E. Costello, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, in substituted motor for rail service which is auxiliary to or supplemental of applicant's rail service, (1) between Norwich, N. Y. and Binghamton, N. Y. over New York Highway 12; (2) between Cortland, N. Y. and Binghamton, N. Y. over U. S. Highway 11, (3) between Binghamton, N. Y. and Owego, N. Y. over New York Highways 17 and 17C, serving all intermediate points which are stations on the rail lines. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 103880 Sub 155, filed September 22, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Columbia City, Ind., to points in Michigan, Ohio, Illinois, Kentucky, Wisconsin and Iowa. Applicant is authorized to

conduct irregular route operations in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 103880 Sub 156, filed September 22, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Avenue, Benton Harbor Michigan. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Vegetable Oils*, in bulk, in tank vehicles, from Chicago, Ill., to the ports of entry on the boundary of the United States and Canada at or near Port Huron, Mich., and at or near Detroit, Mich., and points in Indiana, Michigan, and Ohio.

No. MC 106223 Sub 34, filed September 12, 1955, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier* over irregular routes, transporting: *Latex, synthetic*, in bulk, in tank vehicles, from Ashland, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Alabama, Connecticut, Illinois, Kentucky, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

No. MC 106943 Sub 54, filed September 19, 1955, EASTERN MOTOR EXPRESS, INC., P. O. Box 328, 128 Cherry St., Terre Haute, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Fairchild Engine & Airplane Corp. located at or near Deer Park, Long Island, New York, as an off-route point in connection with applicant's authorized route operations between West Springfield, Pa. and New York, N. Y. over U. S. Highways 6, 6N, 219, 120, 220, 11, 22, and 1, and Pennsylvania Highways 255 and 14. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, Missouri, and Maryland.

No. MC 107028 Sub 25, filed September 14, 1955, ACME TRANSPORTATION, INC., Giant Road, San Pablo, Calif. Applicant's attorney: Bertram S. Silver, 1410 Shell Building, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid asphalt and road oils*, in insulated and non-insulated tank vehicles and trailers, from Martinez and Oleum, Calif., to Richmond, Calif., and points within five miles of Richmond. Applicant is authorized to conduct operations in California and Oregon.

No. MC 108207 Sub 44, filed September 15, 1955, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority

to operate as a *common carrier* over irregular routes, transporting: *Foods and Foodstuffs* requiring temperature control in transit, in temperature controlled vehicles only, between points in Texas, on the one hand, and, on the other, points in Louisiana, Mississippi, Arkansas, and Oklahoma, and Memphis, Tenn. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 110713 Sub 3, filed September 19, 1955, MELVIN G. FIDLER, 428 High Street, Jersey Shore, Pa. Applicant's attorney: James F. Harrington, 11 Beacon Street, Boston 8, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Clay sewer pipe and clay flue liners*, from Patton, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and Maryland, except Cumberland, Hagerstown, Hancock and Salisbury, Md., and (2) *vitrified clay pipe (glazed) vitrified wall coping (glazed) common brick (unglazed), face brick (glazed or unglazed), drain tile (unglazed)*, from Patton, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia, and *defective or rejected shipments*, on return. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Virginia and West Virginia.

No. MC 111068 Sub 2, filed September 6, 1955, KENNETH GROTH, Spring Grove, Minn. Applicant's attorney: Floyd S. Pearson, 301 West Broadway, Decorah, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Prairie du Chien, Wis., to points in Winnishiek County, Iowa:

NOTE: Applicant states that the purpose of this application is to remove the restriction in his certificate in order that he may transport fertilizer from Prairie du Chien, Wis., to points in Winnishiek County, Iowa, on an annual basis instead of a seasonal basis. Applicant is authorized to conduct operations in Iowa and Wisconsin.

No. MC 111383 Sub 2, filed January 23, 1955, amended September 21, 1955, BRASWELL MOTOR FREIGHT LINES, a corporation, P. O. Box 1961, El Paso, Tex. Applicant's attorney: W. Ward Bailey, Continental Life Bldg., Fort Worth 2, Texas. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Texas, and New Orleans, La., from Houston over U. S. Highway 90, through Lake Charles, La., to Iowa, La., thence over U. S. Highway 165 to Kinder, La., thence over U. S. Highway 190 to McCure, La., thence over U. S. Highway 71-190 to Baton Rouge, La., thence over U. S.

Highway 61-65 to New Orleans, La., and return over the same route, serving all intermediate points, and all off-route points within 15 miles of New Orleans, La., and Lake Charles, La., and within 10 miles of Baton Rouge, La., and within five miles of Beaumont, Texas, and Orange, Texas. Applicant is authorized to conduct operations in California and Texas.

No. MC 111442 Sub 4, filed August 29, 1955, CONNELL TRANSPORT CO., Genesee Depot, Wis. Applicant's attorney: C. R. Dineen, 710 N. Plainfont Ave., Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Eggs*, in cases, from Random Lake, Wis. to Hillside and Rochelle Park, N. J.; *meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses*, as defined by the Commission, *bakery products, confectionery, prepared foods and frozen foods*, from Milwaukee, Wis. and Chicago, Ill. to Hillside and Rochelle Park, N. J.; *empty egg cases* from Hillside and Rochelle Park, N. J. to Milwaukee and Random Lake, Wis.

No. MC 112113 Sub 1, filed September 13, 1955, GYPSUM HAULAGE, INC., 2301 S. Newkirk Street, Baltimore 18, Md. Charles W. Singer, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials* (except lumber, brick, sand and gravel), and *materials and supplies* used in the manufacture and distribution thereof, between the site of the National Gypsum Company plant located in Burlington Township, N. J., on the one hand, and, on the other, all points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, within 150 miles of the plant site. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and in the District of Columbia.

No. MC 112520 Sub 6, filed September 19, 1955, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716, Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *anhydrous ammonia*, in bulk, in tank vehicles, from points in Santa Rosa County, Fla., to points in Alabama and Georgia.

No. MC 113464 Sub 8, filed July 23, 1955, HARVEY WAKEFIELD, doing business as WAKEFIELD TRUCKING SERVICE, Box 171, Upton, Wyo. Applicant's attorney: Vincent A. Ross, 221-222 Majestic Bldg., Cheyenne, Wyo. For authority to operate as a *common carrier* over irregular routes, transporting: *Ore*, in bulk, in dump trucks, from points in Niobrara County, Wyo., to Edgemont, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in South Dakota and Wyoming.

No. MC 114045 Sub 11, filed September 22, 1955, R. L. MOORE and JAMES T. MOORE, doing business as TRANS-

COLD EXPRESS, 1419 S. Fleming Street, Dallas 22, Texas. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats, Meat Products and Meat By-Products* as defined by the Commission, from El Paso, Texas, to points in New Jersey, except Jersey City, Massachusetts, Connecticut, New York, Pennsylvania, except Harrisburg and Pittsburgh, Kentucky, except Louisville, Maryland, Delaware, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 114939, filed September 3, 1954, reopened for further hearing, **BULK CARRIERS LIMITED**, Box 368, Sarnia, Ontario, Canada. Applicant's attorneys: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich., and Clifford H. Howard, 47 Howard Park, Toronto, Canada. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid petroleum products, liquid bituminous products, coal tar light oil, and liquid coal tar chemicals*, in tank vehicles, between the United States-Canada International Boundary Line at Port Huron, Mich., and points in the lower peninsula of Michigan.

NOTE: This proceeding is reopened for further hearing solely with respect to the need for the transportation of liquid petroleum products, except naphtha, in bulk, in tank vehicles, from Mt. Pleasant, Mich., to the United States-Canada boundary at Port Huron, Mich.

No. MC 115132 Sub 2, filed June 20, 1955, amended September 22, 1955, **THOMAS W. BATH, JR.**, doing business as **BILL BATH TRUCKING COMPANY**, 406 Osage, Humboldt, Kansas. For authority to operate as a *contract carrier* over irregular routes, transporting: *Clay products* (brick and tile) from Humboldt, Kans., to points in Missouri on and west of U. S. Highway 63, points in Benton, Carroll, Boone, Marion, Baxter, Searcy, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Van Buren, Logan, Sebastian, Scott, and Yell Counties, Ark., and points in Oklahoma north and east of a line beginning at the Arkansas-Oklahoma State line at junction Oklahoma Highway 63, thence over Oklahoma Highway 63 to junction Oklahoma Highway 2, thence over Oklahoma Highway 2 to junction U. S. Highway 270 at Wilburton, Okla., thence west and north over U. S. Highway 270 to junction U. S. Highway 183 near Fort Supply, Okla., thence over U. S. Highway 183 to the Oklahoma-Kansas State line, including points on the indicated portions of the highways specified.

No. MC 115272 Sub 1, filed May 9, 1955, **WALTER J. KURESKO**, 55 Reel St., Coatesville, Pa. Applicant's attorney: Harold S. Shertz, 811-819 Lewis Tower Bldg., 225 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *contract carrier* over irregular routes, transporting: *Milk and cream*, processed and non-processed, *dairy products*, and *fruit juices*, in glass, metal, paper, and other containers, from Camden, N. J. to points in Adams, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lan-

caster, Lackawana, Lebanon, Lehigh, Luzerne, Montour, Monroe, Montgomery, Northumberland, Northampton, Perry, Philadelphia, Pike, Schuylkill, Wayne, and York Counties, Pa., *empty containers or other such incidental facilities* (not specified) *used in transporting the above-named commodities*, on return.

No. MC 115349 Sub 5, filed September 14, 1955, **LOUIS CORDI**, doing business as **SOUTHERN TIER GARMENT CARRIERS**, 174 Front Street, Oswego, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad St., Newark, 2, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Wearing apparel*, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between Bethlehem, Pittston, Scranton, and Wilkes-Barre, Pa., on the one hand, and, on the other, points in Broome, Cayuga, Chemung, Chenango, Cortland, Onondaga, Schuylker, Steuben, Tioga, and Tompkins Counties, N. Y.

No. MC 115417, filed June 20, 1955, **RAOUL D. AUGER**, West Glover, Vt. For authority to operate as a *contract carrier* over irregular routes, transporting: *Farm fertilizer and lime*, in bags, from Boston, Mass., to points in Caledonia, Lamolille, Orleans and Washington Counties, Vt.

No. MC 115522, filed August 17, 1955, **GANGESTAD TRUCK SERVICE, INC.**, 117 E. Dodge, Luverne, Minn. Applicant's attorney: H. Lauren Lewis, P. O. Box 747, Wilson Terminal Bldg., Sioux Falls, S. Dak. For authority to operate as *contract carrier* over irregular routes, transporting: *Twine*, from New Orleans, La., and Houston, Tex. to points in Iowa, Minnesota, Nebraska, North Dakota, Montana, South Dakota, Wisconsin, and Wyoming; *fabricated sheet metal products, angle iron products, and wire mesh products*, from Sioux Falls, S. Dak., to points in Iowa, Minnesota, and Nebraska.

No. MC 115544, filed August 29, 1955, **JACK JORDAN, INC.**, c/o Dalton Brick Company, Dalton, Ga. Applicant's attorney: H. E. Kinney, Bank of Dalton Building, Dalton, Ga. For authority to operate as a *contract carrier* over irregular routes, transporting: *Brick and concrete block*, from Dalton, Ga., to points in Hamilton, Bradley, and Polk Counties, Tenn., and points in Cherokee County, N. C.

No. MC 115552, filed September 2, 1955, **ALLEN TRANSFER & STORAGE**, a corporation, 423 E. Florence Ave., Los Angeles 3, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, fixtures, and equipment, crated, uncrated, and blanket-wrapped* for use in commercial establishments, such as cafes, stores, restaurants, hotels, motels, and apartment houses from points in Los Angeles County, Calif., to points in Arizona and Nevada.

NOTE: Applicant states that incidentals pieces that pertain to and are a part of any shipment are to be crated.

No. MC 115579, filed September 15, 1955, **W. A. WARE**, doing business as **WARE COTTON STORAGE & MFG. CO.**, Corner 5th & Hook Sts., Tuscumbia,

Ala. For authority to operate as a *contract carrier* over regular routes, transporting: (1) *Cotton ties and buckles*, as more fully described in the application, from Tuscumbia, Ala., to New Orleans, La., operating from Tuscumbia over U. S. Highway 43 to Tuscumbia, Ala., thence over U. S. Highway 11 to New Orleans; and (2) *sugar*, in paper bags and paper bundles, from New Orleans, La., to Tuscumbia, Ala., operating from New Orleans over U. S. Highway 11 to Tuscumbia, thence over U. S. Highway 43 to Tuscumbia, serving no intermediate points.

No. MC 115582, filed September 19, 1955, **DETROIT TERMINAL & CARTAGE COMPANY**, a Michigan corporation, 2535 W. Hancock Street, Detroit, Mich. Applicant's attorney: V. J. Schaeffner, 4055 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *contract carrier* over irregular routes, transporting: *Parts, assemblies and materials* used in the manufacture of motor vehicles by the Ford Motor Company between points in Michigan within 40 miles from the City of Detroit: *Provided*, That such motor carrier equipment used herein shall be assigned to the exclusive use of the Ford Motor Company.

No. MC 115583, filed September 20, 1955, **ALFRED BORGER**, Moshannon, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Refractory products (including fire-brick, bonding mortar and hydro-con)* from points in Snowshoe Township, Centre County, Pa., to points in the States of Michigan, Ohio, New Jersey, New York, Delaware, Maryland, Virginia and West Virginia, and empty containers or other such *incidental facilities* (not specified) used in transporting the commodities specified in this application.

No. MC 115586, filed September 23, 1955, **EARL McMANUS**, doing business as **EARL McMANUS FURNITURE CARRIER**, 522 Pleasant Street, Attleboro, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between Attleboro, North Attleboro, and Plainville, Mass., on the one hand, and, on the other, points in Bristol and Providence Counties, R. I.

No. MC 115587, filed September 23, 1955, **JERRY'S SERVICE INCORPORATED**, U. S. Route #41 and U. S. #173, Zion, Ill. Applicant's attorney: Anton Pecora, Antioch 612, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used trucks, tractors, and trailers*, (relief vehicles) towed by automobile wrecker, between points in Minnesota, Michigan, Wisconsin, Illinois, Ohio, Indiana, and Missouri, and *wrecked and disabled trucks, tractors, and trailers* on return.

No. MC 115588, filed September 26, 1955, **MILLER BROS. TRUCK LINES, INC.**, 723 5th Street, Greeley, Colo. Applicant's attorney: Barry and Hupp, 738 Majestic Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, in bulk, between points in South Dakota, Colorado, Utah and Wyoming.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 190, filed September 20, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers*, and *their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, (1) beginning and ending at Paterson, N. J., and extending to Bushkill Falls, Pa. (2) beginning and ending at Jersey City, Newark, Paterson, Hackensack, and Elizabeth, N. J., and extending to Shartlesville, Pa., (3) beginning and ending at Jersey City, Newark, Paterson, and Elizabeth, N. J. and extending to Hershey, Pa., (4) beginning and ending at Newark, Paterson, Elizabeth, and Hackensack, N. J. and extending to Danbury and Candlewood Lake, Conn. Applicant is authorized to conduct operations in New Jersey, New York, and to Philadelphia, Pa.

No. MC 3803 Sub 3, filed September 16, 1955, CAMDEN AND BURLINGTON COUNTIES BUS COMPANY, a corporation, 1500 Mickle Street, Camden, N. J. Applicant's attorney: Walter S. Anderson, Wilson Building, Broadway at Cooper Street, Camden 2, N. J. For authority to operate as a *common carrier* over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Ellensburg, N. J. and Kingston Estates, N. J., from junction New Jersey Highway 70 and Kings Highway, Ellensburg, over Kings Highway to junction Chapel Avenue, thence over Chapel Avenue to junction Salisbury Avenue, thence over Salisbury Avenue to junction Hastings Avenue, thence over Hastings Avenue to Chapel Avenue, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey.

No. MC 36364 Sub 13, filed September 12, 1955, MISSOURI, KANSAS & OKLAHOMA COACH LINES, a corporation, 321 S. Cincinnati St., Tulsa, Okla. For authority to operate as a *common carrier* over a regular route, transporting: *Passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, between Fairfax, Okla., and Skiatook, Okla., from Fairfax over Oklahoma Highway 18 to Ralston, Okla., thence over Oklahoma Highway 20 to Skiatook, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kansas, Missouri, and Oklahoma.

No. MC 115474 Sub 1, filed September 2, 1955, PAUL J. BELANGER, doing business as BELLANGER BUS COMPANY, 112 Elm Street, Whitefield, N. H. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers*, between Whitefield, N. H. and Gilman, Vt. From Whitefield, over unnumbered highway, through Scott, N. H., to New Hampshire Highway 135, thence left over New Hampshire Highway 135 to Dalton, N. H., thence over

Gilman Bridge to Gilman, and return, serving all intermediate points.

RESTRICTION: Transportation restricted to the employees of the Gilman Paper Co.

CORRECTION

No. MC 111717 Sub 13, TRACTOR TRANSPORT, INC., 535 South 8th Street, Milwaukee, Wis., published in the September 14, 1955, issued on page 6762. The State of Alabama should be inserted after Gadsden.

No. MC 113524 Sub 5, filed August 5, 1955, published on page 6205, issue of August 24, 1955, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Newark, N. Y. should read Newark, N. J.

No. MC 113493 Sub 1, filed September 8, 1955, published in the September 21, 1955, issue on page 7090, K. C. BALDWIN, 25 Webster St., P. O. Box 319, Bradford, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Pennsylvania, Ohio, West Virginia, Kentucky, and Tennessee, and (2) *Iron and steel conduit* from points in Pennsylvania to points in Kentucky and Tennessee. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, and West Virginia.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC-F 6082. Authority sought for control by R. T. WHITING and FRANK WHITING, both of 1330 N. 205th, Seattle, Wash., of the operating rights and property of INLAND NORTHWEST FILM SERVICE, INC., 1720 4th Ave. South, Seattle, Wash. Applicant's attorney: Thomas J. Hanify, Hoge Bldg., Seattle 4, Wash. Operating rights sought to be controlled: *Motion picture film, supplies, equipment and merchandise* incidental to the operation and maintenance of motion picture theaters, *newspapers, magazines, periodicals, mail, popcorn, popcorn seasoning, candy, ice cream mix, vending machines, and laundry*, as a *common carrier* over regular routes, between Seattle, Wash., and Lewiston, Idaho, between Teanaway, Wash., and Omak, Wash., between Ellensburg, Wash., and Omak, Wash., and between Pasco, Wash., and Spokane, Wash., serving certain intermediate and off-route points; *popcorn, popcorn seasoning, vending machines, candy, ice cream mix, magazines, periodicals, and supplies and equipment* incidental to the operation and maintenance of motion picture theaters, in shipping units exceeding 200 pounds in weight, and *general commodities*, with certain exceptions including household goods, between Burke and Ritzville, Wash., between Quincy and Spokane, Wash., between Omak and Oroville, Wash., and between

Seattle and North Bend, Wash., serving certain intermediate points; *mill, in containers, dressed poultry, Lard, and fresh, salted, smoked, cured, or preserved meats*, from Walla Walla, Wash., to Lewiston, Idaho, serving all intermediate points, *bakery products*, from Seattle, Wash., to Lewiston, Idaho, and from Lewiston, Idaho, to Kennewick, Wash., serving certain intermediate points. Applicants hold no authority from the Interstate Commerce Commission, but are affiliated with COLUMBIA TRANSPORT, INC., which is authorized to operate in Washington and Oregon. Application has not been filed for temporary authority under Section 210a (b).

No. MC-F 6033. Authority sought for control and merger by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., of the operating rights and property of INLAND FREIGHT LINES, UTAH FREIGHT LINES, AND EASTERN UTAH TRANSPORTATION COMPANY, all of 1370 S. 2nd West St., Salt Lake City, Utah, and for acquisition by J. W. RINGSBY, also of Denver, of control of the operating rights and property through the transaction. Applicant's attorneys: John F. Mueller, Midland Savings Bldg., Denver, Colo., Loyal G. Kaplan, 924 City National Bank Bldg., Omaha, Nebr., and Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City, Utah. Operating rights sought to be controlled and merged: (Inland Freight Lines) *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Ogden, Utah, Sacramento, Cordella and Fairfield, Calif., and San Francisco, Calif., between Spanish Fork, Utah, and Salt Lake City, Utah, between Salt Lake City, Utah, and Lake Point, Utah, between Galt, Calif., and junction California Highway 4 and U. S. Highway 40, between Fairfield, Calif., and the site of Benicia Arsenal, Calif., between Stockton, Calif., and Antioch, Calif., and between Pittsburg, Calif., and Folsom, Calif., serving all intermediate and certain off-route points; *fresh meats, packing-house products, and such commodities* as are dealt in by wholesale, retail, and general merchandise and food business houses, between Trumonton, Utah, and Ogden, Utah, serving the intermediate point of Brigham, Utah, and between Trumonton, Utah, and Brigham, Utah, for operating convenience only (Utah Freight Lines) *General commodities*, except household goods, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and Vernal, Utah, serving certain intermediate points; (Eastern Utah Transportation Company) *General commodities* except household goods, as a *common carrier* over regular routes, between Price, Utah, and the Utah-Colo- rado State line, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, between junction U. S. Highway 49 and Utah-Colo- rado State line, and Rangely, Colo., serving all intermediate and certain off-route points; *oilfield commodities*, over irregular routes, between points in that part of Colorado within 30 miles of Rangely, Colo., including Rangely, and between

points in the above-specified Colorado territory, on the one hand, and, on the other, points in that part of Utah within 30 miles of U. S. Highway 40 between the Utah-Colorado State line and Duchesne, and those in that part of Utah within 30 miles of Utah Highway 33 between Castlegate and Duchesne, Utah, east of U. S. Highway 50, including points on the indicated portions of the Highways specified. Ringsby Truck Lines, Inc., is authorized to operate in Colorado, Wyoming, Nebraska, Illinois, Iowa, Utah, and California. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6084. Authority sought for purchase by JESS EDWARDS, INC., P. O. Box 2287, McBride Lane, Corpus Christi, Texas, of the operating rights and property of CLARENCE O. LEE, P. O. Box 996, Farmington, N. Mex., and for acquisition by GLEN E. ALEXANDER, JESS EDWARDS, and J. D. KINSEY, all of Corpus Christi, of control of the operating rights and property through the purchase. Applicant's attorney: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be transferred: *Oil field commodities*, as a *common carrier* over irregular routes, between Midland, Tex., and points in Texas within 200 miles of Midland, on the one hand, and, on the other, points in New Mexico, and between points in Dolores, San Juan, Rio Grande, Alamosa, Montezuma, La Plata, Archuleta, and Conejos Counties, Colo., and in San Juan County, Utah, on the one hand, and, on the other, points in New Mexico on and north of U. S. Highway 60. Vendee is authorized to operate in Colorado, Kansas, New Mexico, Texas, Utah, Nebraska, Oklahoma, Wyoming, Idaho and Montana. Application has been filed for temporary authority under Section 210a (b)

No. MC-F 6085. Authority sought for purchase by WATSON BROS. TRANSPORTATION CO., INC., 802 S. 14th St., Omaha, Nebr., of a portion of the operating rights of S. & C. TRANSPORT COMPANY, INC., 65 State St., Hutchinson, Kansas, and for acquisition by FAY V. WATSON, RAY E. WATSON, and THOMAS W. WATSON, all of Omaha, of control of the operating rights through the purchase. Person to whom correspondence should be addressed: W. H. Thickett, 802 S. 14th St., Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Kansas City Mo., and Wichita, Kans., serving no intermediate points; *dairy products*, from Wichita, Kans., to St. Joseph, Mo., *canned goods*, over irregular routes, from Nebraska City and Plattsmouth, Nebr., to Wichita, Kans., and from Wichita, Kans., to Lincoln, Superior, and Omaha, Nebr., and Kansas City, Mo., *empty glass containers*, from Lincoln, Superior, and Omaha, Nebr., and Kansas City, Mo., to Wichita, Kans. Vendee is authorized to operate in Minnesota, Iowa, Nebraska, Kansas, Missouri, Illinois, Colorado, Arizona, New Mexico, California, Wyoming, Oklahoma, Utah, Idaho, Montana, Oregon, Wash-

ington, Indiana, Texas and Arkansas. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6086. Authority sought for control by RYDER SYSTEM, INC., 1642 N. W. 21st Terrace, Miami, Fla., of the operating rights and property of T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney St., P. O. Box 2625, Houston, Texas and for acquisition by J. A. RYDER, R. N. REEDY, J. C. PARKER, and A. E. GREENE, JR., all of Miami, of control of the operating rights and property through the transaction. Applicant's attorney: Clarence D. Todd, 944 Washington Bldg., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Birmingham, Ala., and New Orleans, La., and between Meridian, Miss., and Jackson, Miss., serving all intermediate points; between Newton, Miss., and Laurel, Miss., serving no intermediate points. Applicant is not a motor carrier but owns all the capital stock of Great Southern Trucking Company, which is authorized to operate in the States of Alabama, Georgia, South Carolina, North Carolina, Florida and Tennessee. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6087. Authority sought for control by UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis, Minn., of the operating rights and property of RED TRUCK LINE, INC., 1225 Dartmouth Ave., S. E., Minneapolis, Minn., and for acquisition by FRED B. WINES, also of Minneapolis, of control of the operating rights and property through the transaction. Applicant's attorney: Leonard E. Lundquist, 1010 Midland Bank Bldg., Minneapolis 1, Minn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between St. Paul, Minn., and Grand Forks, N. Dak., serving certain intermediate and off-route points; *groceries*, between Duluth, Minn., and Forks, N. Dak., serving the intermediate point of Fargo, N. Dak., *general commodities*, with certain exceptions including household goods, over irregular routes, between Minneapolis, St. Paul, South St. Paul, and Newport, Minn., and between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn., *Canned goods*, and *malt beverages*, from certain points in Wisconsin to certain points in Minnesota and North Dakota; Applicant is authorized to operate in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under Section 210a (b)

No. MC-F 6088. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of 11700 Shaker Blvd., Cleveland, Ohio, of the operating rights and property of CONLEY'S EXPRESS, INC., 2400 S. Homan Ave., Chicago 23, Ill., and FOOD TRANSPORT, INC., 1601 Bronxdale Ave., Bronx 51, N. Y. Applicant's attorney: Roland Rice,

618 Perpetual Bldg., 1111 E Street, N. W. Washington 4, D. C. Operating rights sought to be controlled: (Conley's Express, Inc.), *Such commodities* (except uncrated furniture) as are dealt in by mail order houses and retail department stores, as a *contract carrier* over irregular routes, from Chicago, Ill., to certain points in Ohio, Michigan and Indiana, (Food Transport, Inc.) *Groceries*, as a *contract carrier* over irregular routes, from New York, N. Y., to points in Bergen, Hudson, Monmouth, and Union Counties, N. J., Fairfield, Hartford, and New Haven Counties, Conn., Dutchess, Nassau, Orange, Suffolk, Sullivan, and Ulster Counties, N. Y., Philadelphia, Pa., and Springfield, Mass. Applicants hold no authority from the Commission, but own controlling stock interest in ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, N. Y. CORP., RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., and WAREHOUSE TRANSPORTATION CO., which are authorized to operate in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b)

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-8043; Filed, Oct. 4, 1955;
8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-417]

ISLANDS GAS AND ELECTRIC Co.

NOTICE OF APPLICATION OF SUBSIDIARY
HOLDING COMPANY FOR MODIFICATION OF
EXEMPTION HERETOFORE GRANTED

SEPTEMBER 29, 1955.

Notice is hereby given that the Islands Gas and Electric Company ("Islands"), a subsidiary exempt holding company in the system of Central Public Utility Corporation ("Central") a registered holding company, has filed with this Commission an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 ("Act") for modification of the qualified section 3 (b) exemption granted to it herein on July 31, 1941 (as heretofore extended), so as to remove the limitations prescribed therein and to grant to the applicant an exemption as a subsidiary company of Central which shall be unqualified except to the extent hereinafter stated. The grounds upon which Islands bases its present application may be summarized as follows:

Islands was granted exemption from registration as a holding company pursuant to section 3 (a) (5) of the Act by an order of the Commission dated June

29, 1936 (1 S. E. C. 533) Islands was also granted an exemption as a subsidiary of The Consolidated Electric and Gas Company, formerly a registered holding company subsidiary of Central which has been merged into Central, pursuant to section 3 (b) of the Act by the aforesaid order dated July 31, 1941 (9 S. E. C. 329) which exemption was subject to various limitations designed to make it applicable solely to acts and operations essentially foreign in their nature, preserving the jurisdiction of the Commission with respect to Islands' domestic activities.

Islands has four subsidiaries, one of which is inactive and the other three of which are utility companies whose utility assets and operations are in foreign countries (Haiti, Canary Islands, Philippine Islands) All the securities of Islands (consisting of common and preferred stocks, bonds and promissory notes) are owned by Central. Neither Central nor Islands has any utility assets or operations within the United States.

By order issued under section 11 (b) (2) of the Act of June 13, 1952 (Holding Company Act Release No. 11311) the Commission directed Central to take appropriate steps to terminate the existence of Islands. In a separate proceeding (File No. 31-626) which is now pending, Central has applied for an order requesting the Commission to modify the 1952 order aforesaid so as to permit Islands to continue in existence as a wholly-owned subsidiary. Central has also applied in the same proceeding for an order pursuant to section 3 (a) (5) of the Act exempting it and all of its subsidiaries as such from all duties and liabilities under the Act; which application if granted would render the instant application unnecessary. But Islands states that unforeseen obstacles have arisen which may delay final action upon Central's pending applications; hence this application by Islands for immediate relief, the granting of which, Islands states, will not affect in any way the Commission's 1952 order or Central's pending application for its modification.

Islands further states that it does not now and that it has never derived any material part of its income directly or indirectly from sources within the United States. As an inducement to the immediate granting of its section 3 (b) application, Islands agrees that while it shall remain an intermediate holding company it will not, without the prior approval of the Commission, incur any indebtedness, except by way of short-term bank loans payable within nine months and loans made to it by Central or by another subsidiary of Central, or issue or sell any security other than notes evidencing short-term bank loans, as aforesaid, except to Central or to another subsidiary of Central.

Notice is further given that any interested person may, not later than October 19, 1955, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order

a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted as filed or as amended, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-8931; Filed, Oct. 4, 1955;
8:47 a. m.]

[File No. 70-3416]

SOUTHERN CO. ET AL.

NOTICE OF PROPOSED ISSUE AND SALE BY
HOLDING COMPANY OF ADDITIONAL COM-
MON STOCK PURSUANT TO UNDERWRITTEN
RIGHTS OFFERING, AND PROPOSED ISSUE
AND SALE BY SUBSIDIARIES OF ADDITIONAL
COMMON STOCK AND ACQUISITION THERE-
OF BY HOLDING COMPANY

SEPTEMBER 29, 1955.

In the matter of The Southern Com-
pany, Alabama Power Company, Georgia
Power Company, File No. 70-3416.

Notice is hereby given that The South-
ern Company ("Southern"), a registered
holding company, and its public-utility
subsidiaries Alabama Power Company
("Alabama") and Georgia Power Com-
pany ("Georgia") have filed a joint ap-
plication-declaration pursuant to the
Public Utility Holding Company Act of
1935 ("Act") designating sections 6 (a),
6 (b) 7, 9 (a) 10, 12 (c) and 12 (f) of the
Act and Rules U-42, U-43 and U-50
thereunder as applicable to the proposed
transactions, which are summarized as
follows:

*Stock issue by Southern and applica-
tion of proceeds.* Southern proposes to
issue 1,507,303 additional shares of its
authorized but unissued common stock
(par value \$5 per share), and to offer to
the holders of its outstanding common
stock the right to subscribe for such
shares on the basis of 1 share of the addi-
tional stock for each 12 shares of com-
mon stock held on the record date. Rights
to subscribe will be evidenced by
transferable registered subscription war-
rants and the subscription offer will be
open for approximately three weeks. No
fractional shares will be issued. South-
ern will provide facilities through the
subscription agent so that rights (not ex-
ceeding 11) may be sold or additional
rights (not exceeding 11) may be pur-
chased to enable the warrant holder to
subscribe to a whole number of shares.

The offer of the additional common
stock will be underwritten. Southern
proposes to invite bids, pursuant to Rule
U-50, such invitation to request prospec-
tive underwriters to name and amount
of compensation to be paid by Southern
to such underwriters for their services
and agreement to purchase any shares
not subscribed for as a result of the of-
fering to stockholders, and also to pur-
chase shares acquired by Southern, if
any, in connection with its stabilizing ac-
tivities referred to below.

The subscription price per share at
which Southern proposes to offer the ad-
ditional common stock to its common
stockholders and to underwriters will
be determined by the company. Prospec-
tive underwriters who have qualified
to bid will be notified of the price per
share as so determined by the company
at least 20 hours prior to the time for the
submission of bids. Such price will not
be more than the last reported sale price
on the New York Stock Exchange prior
to the fixing thereof and not less than
such last reported sale price less 15 per-
cent.

Southern proposes, if it considers it
necessary or desirable, to effect trans-
actions which will stabilize or maintain
the market price of its common stock
for the purpose of facilitating the offer-
ing and distribution of the additional
common stock. In connection therewith,
the company may, during the period
commencing with the first business day
prior to the date when the price per
share is to be determined by the com-
pany and continuing until the acceptance
of a bid from underwriters, purchase
shares of common stock of the company
(but not in excess of 150,730 shares) on
the New York Stock Exchange or other-
wise, such purchases to be made through
brokers with the payment of regular
stock exchange commissions.

The proposed purchase contract will
provide that the underwriters will agree
that, in case any shares of additional
common stock purchased by them there-
under shall be sold by the underwriters
prior to the expiration of 30 days follow-
ing the expiration of the subscription
period for a price in excess of the sub-
scription price plus \$0.75 per share (the
excess to be computed before the deduc-
tion of any expenses, selling commissions
or concessions), the underwriters shall
pay to Southern, in addition to the pur-
chase price for shares purchased by
them, a sum equal to 50 percent of such
excess; such additional payment, if any,
to be made by the underwriters to the
company as promptly as practicable
after the expiration of such 30 days.

Southern proposes to apply the pro-
ceeds from the sale of the additional
common stock to the payment at or prior
to maturity, February 1, 1956, of the out-
standing \$15,000,000 principal amount of
the company's 3½ percent notes payable
to banks and the balance of said pro-
ceeds, together with treasury funds to
the extent required up to approximately
\$3,500,000, to the purchase at \$100 per
share (so far as such funds will extend
and, as between the subsidiaries here-
after referred to, in the approximate
proportions of the maximum numbers of
shares to be purchased) up to 55,000
additional shares of common stock of
Alabama and up to 85,000 additional
shares of common stock of Georgia.

*Stock issues by Alabama and Georgia
and application of proceeds.* Alabama
and Georgia propose to issue up to an
additional 55,000 shares and 85,000
shares, respectively, of their authorized
but unissued common stock without par
value; to sell such shares to Southern
for an aggregate consideration of \$5,-
500,000 in the case of Alabama and of

NOTICES

\$8,500,000 in the case of Georgia, and to use the proceeds from such sales to provide a portion of the funds required to finance improvements, extensions and additions to their respective utility plants.

Expenditures during 1955 and 1956 for the construction or acquisition of property additions are estimated at \$71,790,000 in the case of Alabama and \$65,200,000 in the case of Georgia. Such additions have been financed in part by the sale during the second quarter of 1955 of \$15,000,000 principal amount of bonds by Alabama and \$12,000,000 principal amount of bonds by Georgia. It is estimated that in 1956 Alabama and Georgia will be required to raise, respectively, \$17,000,000 and \$10,500,000 by the sale of additional securities.

According to the filing, the issuance and sale of the additional shares by Alabama and Georgia are subject to the jurisdiction of the Alabama Public Service Commission and the Georgia Public Service Commission, respectively.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than October 17, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations pro-

mulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-8030; Filed, Oct. 4, 1955;
8:47 a. m.]

[File No. 70-3417]

CENTRAL PUBLIC UTILITY CORP. AND
ISLANDS GAS AND ELECTRIC CO.

NOTICE OF PROPOSED DONATION OF PREFERRED STOCK BY PARENT TO SUBSIDIARY

SEPTEMBER 29, 1955.

Notice is hereby given that Central Public Utility Corporation ("Central"), a registered holding company, and its wholly owned subsidiary, The Islands Gas and Electric Company ("Islands"), an exempt holding company, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated sections 12 and 15 of the Act and Rules U-26, U-42 and U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

Islands has outstanding bonds, notes, preferred stock and common stock all of which are owned by Central. As a step in the simplification of the capital structure of Islands, Central proposes to donate to Islands, as a contribution to its capital, 50,000 shares of \$7 cumulative preferred stock of Islands (par value \$1 per share) being all of the preferred stock which Islands now has outstanding. Central also proposes not to reduce or otherwise change, as a result of such

contribution, the amount of the carrying value of its investment in the securities of Islands.

Islands proposes to acquire and thereafter, by appropriate amendment of its Certificate of Incorporation, to extinguish said 50,000 shares of its preferred stock. Islands also proposes, concurrently with the extinguishment of said shares, to reduce its capital stock and to increase its capital surplus to the extent of \$50,000, being the aggregate par value of the shares extinguished.

Declarants estimate that the expenses to be incurred herein will not exceed \$500, including \$400 of legal fees and \$100 of miscellaneous expenses.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than October 18, 1955 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-8032; Filed, Oct. 4, 1955;
8:47 a. m.]